



# **AGENDA**

Lincoln City Planning Commission  
Tuesday, February 6, 2024, 6:00 PM  
Council Chambers,  
801 SW Highway 101 - 3rd Floor, Lincoln City, OR 97367

- 1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**
- 2. NEW BUSINESS**
  - A. Election of Chair and Vice Chair
- 3. CONSENT AGENDA**
  - 3.1.** Planning Commission - Regular Meeting - Nov 7, 2023 6:00 PM
- 4. PUBLIC HEARINGS/DELIBERATIONS**
  1. CUP 2023-02 Lincoln Palisades Ph VI
    - 4.1.1.** CUP 2023-02 Cover Memo
    - 4.1.2.** CUP 2023-02 Vicinity Map
    - 4.1.3.** CUP 2023-02 Application
    - 4.1.4.** CUP 2023-02 Narrative and Plans
    - 4.1.5.** CUP 2023-02 Public Comments to date
    - 4.1.6.** CUP 2023-02 PLANNING STAFF REPORT
- 5. COMMENTS FROM THE PUBLIC**
- 6. DIRECTOR'S REPORT**
  - 6.1.** Planning Annual Report

**7. PLANNING COMMISSIONER TRAINING**

- A. ExParte Communication
- B. Applicable Planning Criteria

**8. COMMENTS BY PLANNING COMMISSIONERS**

**9. ADJOURN**

*Individuals wishing to attend via Zoom must email [planning@lincolncity.org](mailto:planning@lincolncity.org) no later than noon on the meeting day. The email must include the person's name and the screen name the person intends to use for the meeting. Instructions will be emailed to the person requesting Zoom attendance. Persons attending via Zoom will need to leave the microphone muted and camera off.*

*The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, for a hearing-impaired device, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting. To request information in an alternate format or other assistance, please contact the City's ADA Coordinator, Kevin Mattias, at 541-996-1013 or [kmattias@lincolncity.org](mailto:kmattias@lincolncity.org). Visit the ADA Accessibility | City of Lincoln City, OR webpage to view how the City continues to remain in compliance with Title II of the Americans with Disabilities Act regarding City programs, services, processes, and facilities.*

*The Lincoln City Planning Commission reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.*

*Agendas and Agenda packet items for this meeting are available at [www.lincolncity.org](http://www.lincolncity.org) under "Government" then select "Public Meeting Agendas, Packets & Videos". This meeting is being streamed live at <https://www.lincolncity.org/government/media-streaming> and will be available there for viewing after this meeting concludes. This meeting will be televised live on Channel 4.*

*Individuals wishing to provide verbal testimony for a public hearing agenda item need to please sign the sign-in sheet for that item. Sign-in sheets are located on the table near the entrance door to the Council Chambers. Individuals who signed in on the sheet will be called to testify during the public testimony portion of the public hearing. When making your oral testimony, please speak clearly and directly into the microphone.*

**LINCOLN CITY PLANNING COMMISSION  
MINUTES  
November 7, 2023**

**1. CALL TO ORDER, ROLL CALL, PLEDGE OF ALLEGIANCE**

<b>Attendee Name</b>	<b>Title</b>	<b>Status</b>	<b>Arrived</b>
Brian Bunnett	Commissioner	Present	
Jason Corso	Commissioner	Present	
Mellissa Sumner	Commissioner	Excused	
Marci Baker	Commissioner	Present	
Robert Vincent	Chair	Present	
Kim Blackerby	Commissioner	Present	

**2. CONSENT AGENDA**

**2.1.**

The minutes of October 17, 2023 were approved as written.

<b>MOTION:</b>	<b>Approve Planning Commission Regular Meeting Minutes for Oct 17, 2023</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Bunnett, Corso, Baker, Vincent, Blackerby
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

**3. PUBLIC HEARINGS/DELIBERATIONS**

**3.1. 2043 Lincoln City Comprehensive Plan**

Chair Robert Vincent opened the public hearing at 6:08 pm.

Director Anne Marie Skinner presented the staff report. She stated that the draft Comprehensive Plan was the culmination of two years' work on the part of staff and the Planning Commission, and included a variety of public engagement activities including open houses and community surveys. She described the Comprehensive Plan as a vision for Lincoln City's future, forming the basis for future implementation through the enactment of rules and ordinances by the City Council.

Director Skinner provided an overview of comments received. She stated that Don Williams had encouraged a stronger emphasis on transportation. Several comments, including those from Ryan Childers, Troy Glasgow, and an anonymous contributor, were concerned about future limitations on short-term rentals and the plan's unrealistic outlook in terms of economic development and the need for tourism. Theresa Reich stated that the plan presented a grand design but lacked the detail for implementing any specific action items and she urged the city to consider immediate action in the areas of erosion control and housing.

Approximately 20 community members attended the public hearing.

Mike Holt provided testimony that the plan was full of lofty goals, but there were no details saying what the city was actually planning to do. He shared his concern that approval of the plan would give elected officials freedom to do anything they wanted without notifying the community.

Director Skinner stated that the purpose of the Comprehensive Plan was to present a long-term vision and overarching goals that the community could agree upon that could inform future actions by the City Council through the adoption of ordinances and rules and that those actions would absolutely include notification of the public.

Marie McFarland provided testimony that she was a former Planning Commissioner and that she did not see much difference between the plan that was in place in 2019 and the current draft Comprehensive Plan, and that the plan lacked the detail she assumed it would include.

Darlene Evans testified that her primary concern was regarding the issue of safety. She stated that the recent development of massive apartment buildings along with the planned warming shelter seemed to be proceeding without adequate consideration for the impact on existing traffic, sanitary sewer services, and other infrastructure.

Jay Roloff shared that he had hoped the issue of childcare would be addressed in the Comprehensive Plan, as he sees it as a major barrier for economic development and staffing local businesses.

No additional members of the public wished to testify.

Commissioner Bunnett moved to close the public hearing. The motion was seconded by Chair Vincent and unanimously approved by the Planning Commission.

Commissioner Baker responded to the comment in support of childcare by pointing out that the Planning Commission had included two objectives under Daycare within the Public Facilities and Services chapter. Staff clarified that due to a mandate from the state, in-home childcare facilities are an allowed use in all zones in Lincoln City. Commissioner Corso related that he understood that there were also local funding opportunities in support of this high demand service.

Commissioner Baker asked a number of clarifying questions about the most recent draft, making sure that the other Planning Commissioners were comfortable with some of the deleted words and phrases. Assistant Planner Andrea Riner stated that staff had made a number of edits to simplify the text and to make the document somewhat more user friendly.

Commissioner Blackerby stated that he was comfortable with the Comprehensive Plan moving forward as-is, that he felt it was a good document. He thanked Ms. Riner for her work formatting and adding images to the text. He disagreed with the statement that the plan did not include anything new, that the Planning Commission and staff had worked diligently to present new ideas and goals for the future. In response to the testimony concerning the warming shelter he clarified that the Planning Commission was in no way a part of that decision-making process. He also shared his frustration with issues around traffic and transportation and the city's limited ability to make needed improvements to Highway 101.

Commissioner Baker added that as a Planning Commissioner she had learned that intersections on Highway 101 are part of an ODOT rating system. Traffic improvements to Highway 101 would only be initiated if a development triggered a rating change, and since all of our intersection ratings are considered "failing" there were no changes triggered. She pointed out that the Comprehensive Plan presented a number of objectives relating to alternative modes, including improvements to pedestrian, bicycle and transit options in order to reduce reliance on cars. She thanked the audience members in for caring about their community enough to attend and participate in the public hearing.

Commissioner Blackerby suggested that people consider what their individual interest or passion might be reflected in the vision, goals, and objectives, and that they learn about the various implementing documents such as the Transportation System Plan or the Lincoln City Walking and Biking Plan.

Director Skinner emphasized that the Transportation System Plan is one of the implementing plans of the Comprehensive Plan. She noted that not every project triggers the requirement for a traffic impact study. Regarding warming shelters, they are not a land use decision. The State of Oregon has mandated that this use is allowed anywhere in a community as long as they meet specific criteria, i.e., they are run by a religious entity, a non-profit organization, or a government agency.

Commissioner Bunnett asked the audience members how many of them had come to the public hearing expecting a presentation of the Comprehensive Plan. Commissioner Baker supported the inclusion of a presentation for the public hearing scheduled for the December 11th City Council meeting.

Responding to a question regarding the Comprehensive Plan map, Director Skinner stated that the only change was to the name of the land use categories, and not to the uses or the designations, and that there was no change of the Urban Growth Boundary. She clarified that no zone changes or changes to boundaries of land use designation were proposed as part of the Comprehensive Plan.

The Planning Commission discussed a number of ideas for additional information to provide as part of a presentation at the City Council meeting, including an Executive Summary, a diagram showing how the plan relates to other implementing plans, and an outline of some of the unique initiatives described in the policies/objectives. Commissioner Blackerby emphasized that the goal for citizen involvement is to go beyond minimum notifications of the public and move towards a broader community understanding of the land use planning process. Commissioner Baker stated that it was crucially important that the community know and understand what is in the plan.

Responding to comments about the lack of a detailed implementation timeline, Commissioner Blackerby stated that the Planning Commission had wanted to include more details but that they recognized the Comprehensive Plan was meant to be a more broad and visionary document. Commissioner Baker concurred and said that there had been a long learning curve to understand the purpose and intent of a Comprehensive Plan, and that sharing that understanding with the community was important. She appreciated the community feedback. Commissioner Blackerby added that the Planning Commission had a current vacancy and he urged anyone interested to consider volunteering.

Commissioner Baker made a motion to recommend approval of the 2043 Lincoln City Comprehensive Plan, adding a single page outline of the plan's unique initiatives. The motion was seconded by Chair Vincent and approved unanimously.

<b>MOTION:</b>	<b>Recommend approval of the 2043 Lincoln City Comprehensive Plan</b>
<b>MOVER:</b>	<b>Baker</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Bunnett, Corso, Baker, Vincent, Blackerby
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

Commissioner Blackerby made a motion to authorize the Chair to sign the Final Recommendation, seconded by Commissioner Baker and approved unanimously by the Commission.

<b>MOTION:</b>	<b>Authorize Chair to sign the Final Recommendation for the 2043 Lincoln City Comprehensive Plan</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Baker</b>
<b>AYES:</b>	Bunnett, Corso, Baker, Vincent, Blackerby
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

**4. DIRECTOR'S REPORT**

**4.1. 2024 Meeting Schedule**

The Planning Commission approved the 2024 Meeting Schedule.

<b>MOTION:</b>	<b>Approve 2024 Meeting Schedule</b>
<b>MOVER:</b>	<b>Blackerby</b>
<b>SECONDER:</b>	<b>Vincent</b>
<b>AYES:</b>	Bunnett, Corso, Baker, Vincent, Blackerby
<b>EXCUSED:</b>	Sumner
<b>RESULT:</b>	<b>Passed</b>

Interim Planning Director Richard Townsend introduced himself and stated he would be covering the position while a search for a permanent director was underway. Director Townsend served as the Lincoln City Director of Planning and Community Development previously, for a total of more than 19 years. The planning commissioners thanked him and welcomed him back.

**5. COMMENTS BY PLANNING COMMISSIONERS/CIC**

None.

**6. ADJOURN**

Respectfully submitted,

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Anne Marie Skinner  
Planning Director

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Robert Vincent  
Chair

City of Lincoln City

## PLANNING COMMISSION COMMUNICATION

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### CUP 2023-02 Lincoln Palisades Phase VI

Meeting Date: February 6, 2024  
Department: Planning & Community Development  
Staff Contact: Richard Townsend  
Phone/Email: [rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)  
541-996-1228

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#### ISSUE STATEMENT

Lincoln City Planning & Community Development has received an application for a Conditional Use Permit and modification application for Phase VI of the Lincoln Palisades project. The subject property is unaddressed and is identified as Assessor's Map 06-11-35-CD-00102. The applicants and property owners are Alpha Building Ventures, LLC.

#### ACTION REQUESTED

Staff recommends that the Planning Commission conduct the required public hearing to receive testimony from staff, the applicants, and the public in preparation for deliberations and decision-making. The attached Planning Staff Report recommends approval with conditions.

#### AUTHORITY

Section 17.76.160 of the Lincoln City Municipal Code (LCMC) gives the Planning Commission the authority to approve, approve with conditions, disapprove, or revoke conditional use permits subject to the provisions of LCMC Chapter 17.77.

#### BACKGROUND INFORMATION

The attached Planning Staff Report provides additional background information.

#### OPTIONS

1. Hold the public hearing
2. Close or continue the public hearing
3. Close the record or keep the record open
4. Approve the application, approve the application with conditions, or deny the application.

#### SUGGESTED MOTION

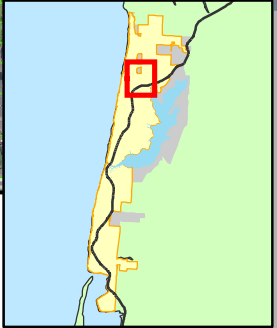
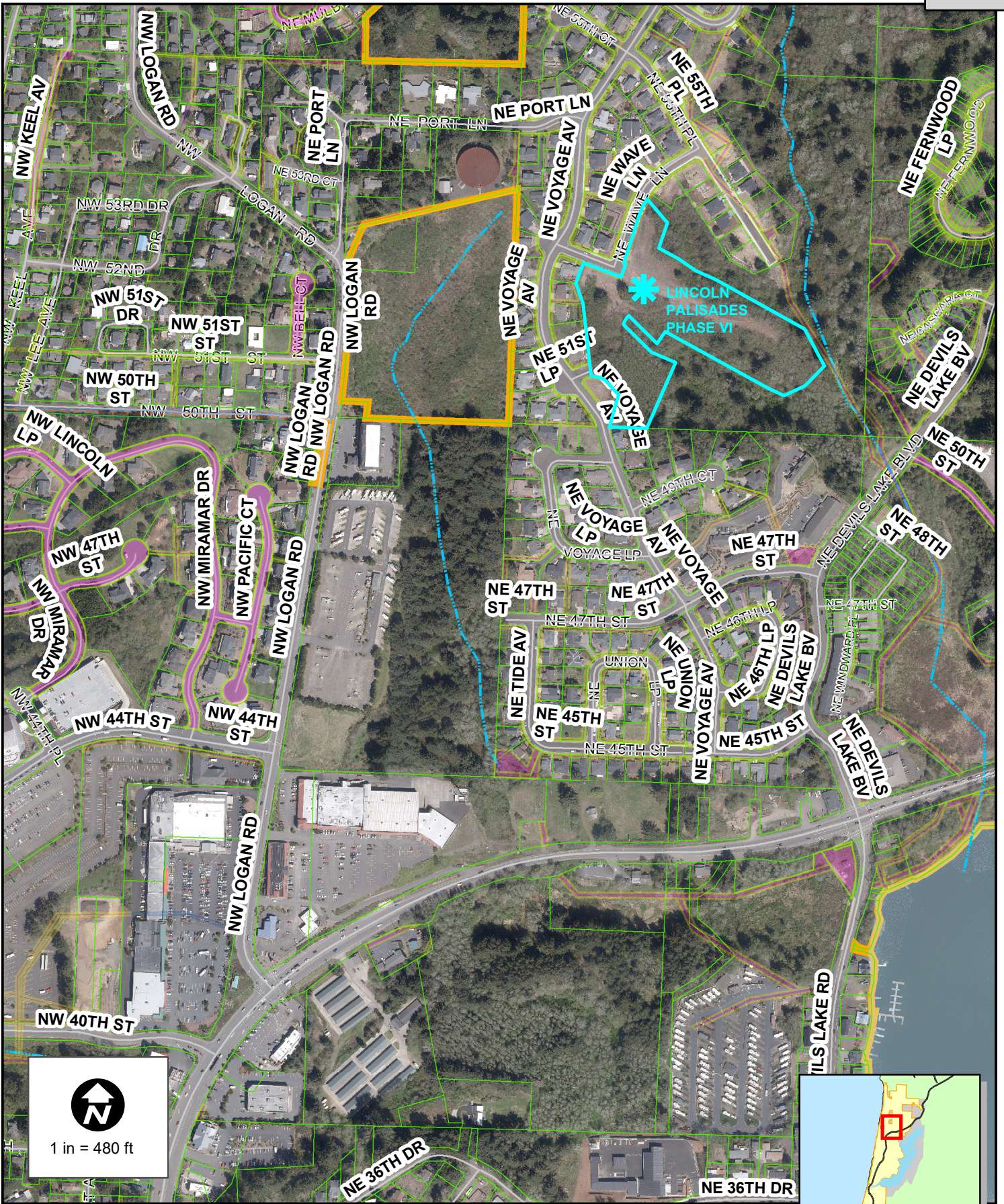
Approve CUP 2023-02 Lincoln Palisades Phase VI with conditions as specified in the attached Planning Staff Report.

**NEXT STEPS**

If approved, or approved with conditions, note that this is a tentative verbal decision of the Planning Commission. Staff will prepare the written final decision for adoption at the next available Planning Commission Meeting.

**ATTACHMENTS**

CUP 2023-02 Planning Staff Report  
CUP 2023-02 Application & Narrative  
CUP 2023-02 Plans  
Vicinity Map for Lincoln Palisades Ph VI  
Public Comments received to date



### Vicinity Map

City of Lincoln City government use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.

Date: 1/2/2024

# Conditional Use Application

THIS IS PUBLIC RECORD

**PROPERTY OWNER/CONTRACT PURCHASER (as listed on deed OR purchase contract):**

*Copy of purchase contract must be included with submittal for application to be accepted.*

NAME: City of Lincoln City  
ADDRESS: P.O. Box 50  
Lincoln City, Oregon 97367  
PHONE: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

**APPLICANT:**

NAME: Alpha Building Ventures  
ADDRESS: 15350 Hidden Hills Court  
McMinnville, Oregon 97128  
PHONE: \_\_\_\_\_  
E-MAIL: \_\_\_\_\_

**SITE INFORMATION:**

ZONING DISTRICT: OS  
TAX MAP AND LOT: Map 06-11-35CD, Lot 100  
SITE ADDRESS: Unaddressed

**REQUESTED CONDITIONAL USE:**

Cite the code section of the proposed conditional use: LCMC 17.43.030.3

**TO GRANT ANY CONDITIONAL USE, THE PLANNING COMMISSION MUST FIND, BASED UPON EVIDENCE BOTH FACTUAL AND SUPPORTIVE THAT IS PROVIDED BY THE APPLICANT, THAT ALL THE FOLLOWING ARE TRUE:**



LCMC 17.77.060.D.1 – *The proposal is in compliance with the comprehensive plan;*

LCMC 17.77.060.D.2 – *The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;*

LCMC 17.77.060.D.3 – *The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;*

LCMC 17.77.060.D.4 – *The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage; and*

LCMC 17.77.060.D.5 – *In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.*

**A detailed narrative must be prepared and submitted, along with this completed application form, that provides detailed evidence and proof that the proposal meets and complies with each criterion listed above. Each criterion must be discussed and thoroughly addressed. The narrative must also give a detailed description of the proposed conditional use.**

**REQUIRED SUBMITTAL ITEMS:**

1. Completed Conditional Use Application form
2. Detailed written narrative
3. Completed Online Direct Pay Authorization Agreement for Credit/Debit Cards
4. Existing Conditions Plan (if applicable)
5. Site Plan
6. Landscape Plan (if applicable)
7. Building Elevations (for new construction, additions, or exterior remodels)
8. Phasing Plan (if phasing is proposed)
9. Traffic Impact Study (if required)
10. Other reports, studies, plans, or documents identified by staff as being applicable and required
11. Dock conditional use requests shall also include:
  - Detailed explanation in the written narrative describing compliance with LCMC 17.44.040.B

- Plan of the proposed dock showing location and all dock dimensions that are compliant with LCMC 17.44.040.B
- Description and/or materials cut sheets of the proposed materials of the dock that are compliant with LCMC 17.44.040.B

I (We) hereby declare under penalty of perjury under the laws of the State of Oregon that the foregoing information, as well as the information provided in the attached narrative, is true, complete, and accurate. I (We) acknowledge that providing false information in the application or any application materials shall be a violation and grounds to deny the application and void any approvals.

**SIGNATURES:**

11/13/23  
Date

11/13/23  
Date

Applicant (signature required)

- *All property owners listed on the deed of each parcel/lot must sign the application.*
- *All contract purchasers listed on the purchase contract must sign the application.*
- *If contract purchasers are individuals other than the property owners shown on the deed, all property owners listed on the deed as well as all contract purchasers listed on the purchase contract must sign the application.*

# Lincoln Palisades Phase VI

## Conditional Use Permit & Modification Application

**Prepared for:**  
Alpha Building Ventures

**Submitted to:**  
City of Lincoln City  
Planning & Community Development Department  
P.O. Box 50  
Lincoln City, Oregon 97367



**Prepared by:**

**REECE**  
ENGINEERING & SURVEY

November 13, 2023

## Lincoln Palisades Phase VI

**Project Summary**

<b>Request:</b>	Application for a Conditional Use Permit and Modification of Approved Plans.
<b>Location:</b>	Unaddressed Intersection of NE 51 <sup>st</sup> Place and NE Wave Lane Lincoln County Assessor's Map No. 6s11w35CD, Lot 102
<b>Owner/Applicant:</b>	Alpha Building Ventures, LLC
<b>Engineer/Planner:</b>	<b>Reece Engineering &amp; Survey</b> 321 1 <sup>st</sup> Avenue Suite 3A Albany OR 97321 541-926-2428 Engineer: David J. Reece, PE      Planner: Hayden Wooton dave@reece-engi.com                  hayden@reece-eng.com

**Exhibits**

A – Final Order No. 2022-01

**Plans**

Sheet 1.0 – Cover  
Sheet 2.0 – Existing Conditions  
Sheet 3.0 – Site & Phasing Plan  
Sheet 4.0 – Landscape Plan

## Table of Contents

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## I. Project Description

Alpha Building Ventures, applicant, received land use approval for Lincoln Palisades Phase VI, a thirty-two (32) lot residential planned development, on January 18<sup>th</sup>, 2022 (Exhibit A). To serve these lots, the applicant proposed to construct a connection and extension of a sanitary sewer system located on an adjoining property owned by the City of Lincoln City. This adjacent property was zoned R1-7.5 at the time Lincoln Palisades Phase VI was designed and approved. Since then, however, the adjoining property has been rezoned Open Space (OS). In this zoning designation, public utilities are considered conditional uses. Consequently, a conditional use permit is required to construct Lincoln Palisades Phase VI. In addition to construction of an off-site sanitary sewer line, grading will occur on Lincoln City's property to support the approved construction of NE 51<sup>st</sup> Loop.

Alpha Building Ventures is also proposing to modify the approved development plan. In the original submittal, all thirty-two (32) lots were going to be constructed in a single phase. The applicant is now proposing to decrease the number of lots to twenty-nine (29) and develop the project in two phases. No other alterations will be made to the approved tentative plans.

The proposed development conforms to all applicable sections of the Lincoln City Municipal Code (LCMC). This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the above-mentioned governing regulations. Applicable criteria of the LCMC will appear in italics followed by the applicant's responses in regular font.

## II. Conditional Use Permit (LCMC 17.77.060)

- A. *Purpose. In all zones, conditional uses listed in that zone may be permitted subject to the granting of a conditional use permit. Because of their unusual characteristics, or the special characteristics of the area in which they are to be located, conditional uses require special consideration so that they may be properly located with respect to the objectives of this title and their effect on surrounding properties.*

**Response:** This application is requesting a Conditional Use Permit to allow the construction of a sanitary sewer line and grading on a property zoned Open Space (OS). Public utilities and drainage facilities are listed as conditional uses in this zoning district under LCMC 17.43.030.C.

- B. *Procedure. Conditional use permit requests are subject to the Type III procedure, as described in LCMC 17.76.050.*

**Response:** This Conditional Use Permit request will be processed through a Type III procedure by the City of Lincoln City in accordance with LCMC 17.76.050.

- C. *Submittal Requirements.*

1. *Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*

**Response:** All applicable submittal requirements required by LCMC 17.76.050 and 17.76.110 have been included in the application materials. Therefore, this standard is met.

2. *At a minimum, an application for a conditional use shall include the following:*
- a. *An application form signed by the applicant and every current property owner of record as shown on the most current recorded deed;*

**Response:** Alpha Building Ventures, applicant, has signed the Conditional Use Application form. This form includes all relevant contact information for the applicant and the applicant's engineer. Additionally, a representative from the City of Lincoln City, owner, has also signed the Conditional Use Application form. Therefore, this standard is met.

- b. *Full payment of the application fee, based on the fee schedule in effect on the date of submittal;*

**Response:** A completed Online Direct Pay Authorization Agreement has been submitted alongside this land use application, permitting full payment of the application fee. Therefore, this standard is met.

- c. *Existing conditions plan;*

**Response:** An existing conditions plan has been included in the accompanying tentative plan set as Sheet 2.0. Therefore, this standard is met.

- d. *Site plan;*

**Response:** A site plan has been included in the accompanying tentative plan set as Sheet 3.0. Therefore, this standard is met.

- e. *Landscape plan;*

**Response:** A landscape plan has been included in the accompanying tentative plan set as Sheet 4.0. Therefore, this standard is met.

- f. *Building elevations (for new construction);*

**Response:** The proposed Conditional Use Permit does not include the construction of buildings. Therefore, building elevations are not included in this application package and this standard does not apply.

- g. *Phasing plan (if phasing is proposed);*

**Response:** The site plan included in the tentative plan set as Sheet 3.0 also illustrates the proposed phasing plan. Therefore, this standard is met.

- h. *Traffic impact study pursuant to LCMC 17.52.300; and*

**Response:** The proposed development does not involve or create any of the situations outlined under LCMC 17.52.300.B. Therefore, a traffic impact study is not required.

- i. *Narrative addressing compliance with each approval criterion and applicable standard.*

**Response:** This application narrative provides responses to each applicable decision criterion and standard. Therefore, this standard is met.

D. *Approval Criteria. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:*

1. *The proposal is in compliance with the comprehensive plan;*

**Response:** As required by this criterion, an application for a Conditional Use Permit must be evaluated against the relevant goals outlined in Lincoln City's Comprehensive Plan and determined to be supportive of these statements. In addition to the brief responses to each applicable goal, below, compliance with the applicable development code standards and decision criteria ensures a base level of compatibility with the Comprehensive Plan. Because the development code enforces the Comprehensive Plan goals, compliance with LCMC results in a project that is compliant with the Comprehensive Plan.

#### Goal – Planning

*To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The proposed Conditional Use Permit application will be processed through a Type III procedure as outlined in LCMC 17.76.050. This process provides a policy framework and basis for land use planning decisions. Adequate processing of this application ensures it supports this goal.

#### Goal – Citizen Involvement

*Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.*

As previously mentioned, the proposed Conditional Use Permit application will be processed through a Type III procedure as outlined in LCMC 17.76.050. This process includes opportunities for citizen involvement during the public hearing before the Planning Commission (a citizen board). Additionally, a public notice will be mailed to surrounding property owners and to affected government agencies. Therefore, adequate processing of this application ensures it supports this goal.

#### Goal – Public Services and Utilities

*To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.*

The city-owned property adjacent to Lincoln Palisades Phase VI was previously zoned R-1-7.5, which permitted the construction of public utilities in service of residential development. A sanitary sewer line was constructed under the city-owned property to serve past residential development – without this gravity line many of the previous subdivisions in this area would require lift stations.

As an existing public utility, it is more orderly and efficient for Lincoln Palisades Phase VI to connect to an existing gravity sanitary sewer line than construction and dedicate to the city a new sanitary sewer lift station (both costly to construct and maintain). The proposed route effectively utilizes existing infrastructure to serve new residential development.

The proposed grading on city-owned property is necessary to construct NE 51<sup>st</sup> Loop, which will provide a needed second access point to the proposed development. While originally intended to be supported by a retaining wall under the public right-of-way, ongoing conversations with Public Works staff resulted in a pivot to supporting this street with off-site grading. The applicant and staff agreed it is more cost effective, safer, and easier to maintain. Therefore, this application is supportive of the Public Services and Utilities Goal.

### Housing Goal

*To provide for the housing needs of all citizens.*

The proposed Conditional Use Permit application would permit the supporting infrastructure necessary to develop an additional twenty-nine (29) residential units. This project will provide housing for the citizens of Lincoln City; therefore, the proposed application is supportive of this goal.

### Overall Environmental Goal

*To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.*

There are wetlands located on the city-owned property; however, the proposed grading and sanitary sewer extension will not impact these wetlands (Illustrated on Sheet 3.0). By avoiding significant natural features, the proposed Conditional Use Permit application effectively provides housing without sacrificing the natural resources in the area. Therefore, the proposed project is supportive of this goal.

The proposed Conditional Use Permit application satisfies this criterion.

2. *The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;*

**Response:** The proposed development does not involve or require setbacks, common spaces, retaining walls, parking and loading areas, or landscaping. However, the site is of an adequate size and shape to allow infrastructure to be constructed without impacting the on-site natural features. Therefore, this criterion is satisfied.

3. *The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;*

**Response:** The proposed grading and sanitary sewer extension will not generate additional vehicle or pedestrian traffic when completed. As noted above in the applicant's response to LCMC 17.70.060.C.2.h., these improvements do not warrant a traffic impact study. Therefore, this criterion does not apply to this Conditional Use Permit application.

4. *The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;*

**Response:** The proposed does not contain any of the features listed in this criterion. There will be no visual impacts as the sanitary sewer improvements will be underground and natural ground cover will eventually mask any evidence of earthwork. The grading associated with NE 51<sup>st</sup> Loop would also have no visual impact on adjacent properties because it would occur at ground level and be seeded with natural ground cover to prevent erosion. Therefore, this Conditional Use Permit application will have no adverse impact on the adjoining properties. This criterion is satisfied.

5. *In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.*

**Response:** There are no structures proposed by this Conditional Use Permit application. Therefore, this criterion does not apply.

### **III. Modifications of Approved Applications, Plans, or Conditions of Approval (LCMC 17.77.110)**

- A. *Purposes. The modification process allows approved applications, plans, or conditions of approval to be modified under an appropriate review process without initiating repetition of the original application.*

**Response:** The applicant is proposing to decrease the number of lots from thirty-two (32) to twenty-nine (29) and construct the project in two phases. Conversations with city staff have indicated that these alterations will require a modification under this code section.

- B. *Applicability. The following applications, approved through the provisions of this code, may be modified pursuant to this section:*

3. *Planned development.*

**Response:** This application proposes to modify Lincoln Palisades Phase VI, an approved planned development.

- C. *Procedure for Modifications. Modification applications are subject to the Type II procedure as described in LCMC 17.76.040 or the Type III procedure as described in LCMC 17.76.050, based upon the procedure type of the original application.*

**Response:** This modification approved application request will be processed through a Type III procedure by the City of Lincoln City in accordance with LCMC 17.76.050.

D. *Submittal Requirements. Type II and Type III application submittal requirements are set forth in LCMC 17.76.040 and 17.76.050, respectively.*

**Response:** All applicable submittal requirements required by LCMC 17.76.050 and 17.76.110 have been included in the application materials. Therefore, this standard is met.

E. *Scope of Review. The scope of review for a modification shall be limited to the modification request.*

**Response:** The proposed modification will decrease the number of lots from thirty-two (32) to twenty-nine (29) and divide the project into two phases. As required by this standard and decision criterion LCMC 17.77.110.F.3., this portion of the application narrative only discusses these two proposed alterations.

F. *Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:*

1. *The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site; and*

**Response:** The location or size of improvements associated with Lincoln Palisades Phase VI have not been altered by this modification. Decreasing the number of lots will slightly alter the functional characteristics of the development but primarily in a manner that would decrease impacts. With fewer lots, Lincoln Palisades Phase VI would generate less traffic, noise, light, and stormwater runoff. Consequently, this modification would have minimal impact on properties surrounding the subject site.

Dividing Lincoln Palisades Phase VI into two phases of construction does not alter the project's location, size, or its functional characteristics post-development. Therefore, this criterion is satisfied.

2. *New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.*

**Response:** As described in the applicant's response to the previous decision criteria, the proposed modification decreases the impacts to surrounding properties. As such, there are no negative effects that require compensation. Therefore, this criterion is satisfied.

3. *The criteria in subsections (F)(1) and (F)(2) of this section shall be applied only to the area and/or lots within the development that are affected by the proposed modification.*

**Response:** The applicant's responses have been limited to the subtraction of three lots and the proposal to construct this project in two phases. Therefore, this criterion is satisfied.

4. *The proposed modification shall demonstrate compliance with the approval criteria of the original application.*

**Response:** The approval criteria for a Planned Development Preliminary Master Plan were as follows at the time Lincoln Palisades Phase VI was original submitted:

- 17.77.120.H.1. *The planning commission shall approve, or approve with conditions, the plan if it finds that the plan, either as submitted or with conditions, meets all of the following criteria. The planning commission shall disapprove the plan if it finds that the plan, either as submitted or with conditions, does not meet any one or more of the following criteria:*
- a. *The proposed planned development will be substantially compatible with existing development in the surrounding area; and undeveloped land in the surrounding area can be developed in a manner substantially compatible with the proposed planned development.*

**Response:** In the initial response to this criterion the applicant stated:

"Substantially compatible with existing development does not require proposed development to be identical to existing nearby structures and uses. Instead, compatibility is a development's capacity to exist in harmony with surrounding uses. An analysis of compatibility identifies the existing uses, describes the proposed use, assesses the type and extent of impacts created by the proposed use, and estimates the effects of those impacts.

Existing: North, south, and west of Lincoln Palisades Phase VI surrounding existing uses are residential in nature. To the east, Lincoln City owned land remains undeveloped for the preservation of natural features. Lincoln Palisades (60 lots platted in 1996), Lincoln Palisades Phase 2 (34 lots platted in 2007), Lincoln Palisades Phase 3 (12 lots platted in 2018), Lincoln Palisades Phase 4 (11 lots platted in 2019), and Lincoln Palisades Phase V (18 lots currently under construction) are five subdivisions in the immediate area. Palisades Condominiums consists of 50 units built in 1981 on 5.91 acres. The floor area of each unit is 945 SF. The density is 8.5 DU/Ac. There are five buildings with 8 units and one building with 10 units. All buildings are two-story with separate ground floor and second floor units. Buildings are oriented around a central parking area. The grounds are landscaped close to the buildings and naturally vegetated around the perimeter.

Proposed Uses: The character of the proposed PUD is residential in nature, being comprised solely of single-family dwellings. No other uses are proposed. All lots within Lincoln Palisades Phase VI comply with the minimum dimension standards for the R-1-7.5 zoning district. The project is proposing a density of approximately four units per acre; this is a density comparable to surrounding developments. The operating characteristics of the proposed PUD would be no different than those for the existing neighborhood in terms of light, sounds, and vehicle movement.

The effect of additional traffic is summarized previously in this application narrative, those findings and conclusions being incorporated here by reference. Therefore, this standard is met.

The foregoing description and analysis finds no material difference between existing and proposed uses in terms of size, scale, and operating characteristics. Therefore, the proposed PUD is substantially compatible with the surrounding area as required by this criterion.”

This statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

- b. *Construction of the planned development can be accomplished in a manner that does not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative construction impacts on the area surrounding the development or in the city, the planning commission may impose conditions including but not limited to:*
  - i. *Requirements that removal of existing landscaping during construction be limited to areas of the planned development to be constructed shortly following removal and to portions of those areas on which construction will occur;*
  - ii. *Prohibitions of open burning on the site during construction;*
  - iii. *Prohibitions or limitations on construction track-out;*
  - iv. *Restrictions on construction noise; and*
  - v. *Restrictions on construction traffic.*

**Response:** In the initial response to this criterion the applicant stated:

“Short-term construction impacts are typically associated with clearing of land, movement of vehicles, storage of materials, and operation of equipment. Municipal ordinances adopted by the city safeguard the public welfare against these and other factors. Those protections include the following:

- LCMC 8.08.020 Outdoor burning of construction waste is prohibited.
- LCMC 8.12.040 Authorized construction projects must apply reasonable safeguards to avoid creating attractive nuisances.
- LCMC 9.10.030 Sound that exceeds 50 dBA as measured at the property boundary is prohibited between 7:00 p.m. and 7:00 a.m.
- LCMC 9.10.040 Construction activities are exempt from sound limitations between 7:00 a.m. and 7:00 p.m.
- LCMC Chapter 12.08 Contractor must install and maintain City-approved erosion control measures.

- LCMC 12.12.090 All work undertaken, including but not limited to excavation, backfilling, surface restoration, protection of utilities, traffic control, safety precautions, noise and dust control and cleanup, shall be approved by the city.

These local ordinances regulate many activities associated with construction. No additional construction activities have been identified that would warrant mitigation. Therefore, no additional restrictions are proposed.”

This statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

- c. *The development will not create unreasonable negative impacts on the area surrounding the development or in the city. In order to assure the avoidance or mitigation of negative impacts, the review authority may require the filing of restrictions in the county deed records including but not limited to restrictions:*
  - i. *Prohibiting the removal of specified landscaping; and*
  - ii. *Prohibiting open burning during construction.*

**Response:** In the initial response to this criterion the applicant stated:

“Appropriate Use of Property: The subject property is zoned for residential development. The proposed preliminary master plan would be the first step in development of the subject property for uses intended by the Code.

Vegetation Removal: Constructing buildings, streets, and utilities, will require the removal of some brush and trees that directly conflict with these improvements. However, every effort has been made in the design of the site improvements to retain significant natural vegetation including large trees that are compatible with development. Additional brush and undergrowth may be removed for safety and security purposes. The City Engineer is responsible for reviewing plans for tree removal and preservation of remaining trees. Details of those plans are presented earlier in this narrative under review criterion LCMC 17.77.120(G)(13). Those findings and conclusions are incorporated herein by reference.

As noted in the preceding subsection, outdoor burning of construction waste is prohibited (LCMC 8.08.020). Approved landscaping planted in accordance with the preliminary master plan would not be removed in subsequent phases, Therefore, the proposed PUD would not create unreasonable negative impacts on the surrounding area.”

This statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

- d. *Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development’s population densities and the type of development proposed, taking into*

*consideration existing and projected future demands on those facilities.*

**Response:** In the initial response to this criterion the applicant stated:

“Streets in Lincoln Palisades Phase VI are designed to comply with city standards and to accommodate anticipated traffic loads. Off-site traffic impacts are summarized earlier in this application narrative, which are incorporated herein by reference.

The municipal water supply that would serve the proposed planned development is stored in a reservoir on Port Lane, a short distance from the subject property. Transmission lines are of sufficient capacity to serve the planned needs of the proposed planned development and the surrounding area.

The proposed planned development is situated in sewer basin 4007. Sanitary sewer lines currently terminate at the property boundaries and will be extended through the project.

The proposed planned development would be developed in a manner designed to minimize the impact of the downstream area as well as the environment within the development. Water quality features would be designed to help minimize the impact of sediments on runoff facilities.”

Except for the Conditional Use Permit required to construct the grading associated with NE 1<sup>st</sup> Loop and off-site sanitary sewer extension, this statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

- e. *Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.*

**Response:** In the initial response to this criterion the applicant stated:

“The City of Lincoln City has adopted and maintained standards for streets, water systems, sanitary sewer systems, stormwater drainage systems, and stormwater pretreatment to protect the health, safety, and welfare of its citizens. The design and construction of these facilities in Lincoln Palisades Phase VI as shown on the utilities plan would conform to those standards.”

This statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

- f. *The proposed number of residential units does not exceed the maximum permitted number of residential units, and at least 15 percent of the gross area is dedicated to landscaping. For purposes of computing area dedicated to landscaping, dedicated open space and protected resource areas may be treated as area dedicated to landscaping, but parking areas may not.*

**Response:** In the initial response to this criterion the applicant stated:

“Lincoln Palisades Phase VI was initially a subphase of an approved master plan for the greater Lincoln Palisades project. To ensure the larger project provided adequate landscaping and open space, Final Order 94-07 required the applicant to designate 18.63 acres of land as open space. This open space was created and dedicated by Partition Plat 2015-03. This partition divided a 38.77-acre parcel into a 12.56-acre parcel, a 7.57-acre parcel (the property being divided as Lincoln Palisades Phase VI), and an 18.64-acre tract. These 18.64 acres were dedicated despite not all approved lots being created at the time of dedication. Therefore, open space associated with the lots proposed as Phase VI has already been dedicated and no additional dedication should be required.”

This statement remains factual regardless of the proposed modifications. Therefore, this criterion continues to be satisfied.

All previous decision criteria continue to be satisfied; therefore, this modification criterion is also satisfied.

- G. *Conditions of Approval. Pursuant to LCMC 17.76.120, the review authority may impose conditions on the approval of a modification application to ensure compliance with the original approval criteria.*

**Response:** The applicant acknowledges that the review authority may impose conditions of approval on the modification application to ensure compliance with the original approval criteria.

#### **IV. Conclusions**

This application narrative, accompanying exhibits, and site plan demonstrate that the applicable decision criteria of the Lincoln City Municipal Code have been satisfied. Therefore, Reece Engineering and Survey on behalf of the applicant, Alpha Building Ventures, respectfully request approval of this application.

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Case File PUD 2021-02 SUB 2021-01	)	
Lincoln Palisades Phase VI	)	Final Order No. 2022-01
Preliminary Master Plan and Preliminary Plat	)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Findings of Fact and Conclusions of Law regarding compliance with applicable approval criteria as set forth in the Lincoln City Planning and Community Development Department Staff Reports for PUD 2021-02 SUB 2021-01, together with supporting documents and application materials in the record, said reports being hereby adopted and incorporated into this Order by this reference.

The incorporated staff reports finds that the application meets all applicable approval criteria; therefore, Planning Commission finds and determines that all applicable approval criteria are met.

**FINAL ORDER**

Based on the evidence presented at the public hearing on January 4, 2022, including the staff report, and the supporting application materials contained in Case File PUD 2021-02 SUB 2021-01, the Planning Commission finds and determines that the applications contained in the file DO SATISFY all applicable approval criteria as detailed in the staff report, and the applications are therefore APPROVED with conditions as noted below.

**PLANNING**

1. The project shall be developed in one phase.
2. The final plat for Lincoln Palisades Phase VI shall be submitted to the Lincoln City Planning and Community Development Department within two years following the approval date of the final order by the Planning Commission, and it shall incorporate the conditions of approval.
3. With submittal of the final engineering plans, applicant shall submit a solid waste disposal plan that has been approved by North Lincoln Sanitary Service that allows sufficient accessibility for collection vehicles to service the development.
4. The development shall comply with all applicable fire code requirements.
5. Development of the project shall comply with applicable Oregon Department of State Lands requirements.
6. The development shall comply with all applicable federal, state, county, local, and city rules and regulations, including Lincoln City Municipal Code.
7. A final draft of the proposed restrictions to be recorded for Lincoln Palisades Phase VI shall be included with the final master plan submission package.
8. A final tree maintenance and protection plan shall be included with the final master plan submission package. The final plan shall very clearly depict the location and identification of all six of the site's existing trees, the removal of the site's three red alder trees, the removal of Tree 1373, and the protection of Trees 1373 and 5158. In lieu of depicting Trees 1374 and 5158 as protected trees, the applicant shall submit information from the arborist showing to staff's satisfaction that either or both trees are not healthy and viable and/or that they cannot be sufficiently protected during construction to remain

viable. The final plan shall also very clearly show the proposed tree protection method for off-site remaining trees and how they will be preserved through construction.

9. The final master plan shall substantially show the lot layout, lot sizes, street layout, and 32 lots shown on the revised preliminary plan set that was submitted on December 17, 2021.

## **ENGINEERING**

### **Engineering Plans**

1. The applicant shall submit legible, digital copies of engineering plans for all public improvements and site development to the Lincoln City Public Works Department (LCPWD) for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer and shall show all existing and proposed conditions. The applicant is responsible for verifying the presence or absence of existing utilities and infrastructure. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
2. Prior to commencement of any site work, construction activity, demolition, clearing, grubbing, or excavating, an application for a Public Works Right-of-Way Permit shall be submitted to LCPWD. All planned right-of-way work shall be noted on the final engineering plans for review and performed as shown and approved.
3. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to LCPWD for approval prior to construction of altered facilities.
4. In accordance with LCMC 16.08.080, construction inspections and required consultation services shall be provided by the applicant. Reports and testing verifying appropriate construction in accordance with the approved site plan shall be provided to LCPWD as work progresses.
5. **Within 30 days after construction**, field-verified, stamped as-built drawings for all public improvements, including relevant survey data, shall be provided to LCPWD in AutoCAD format. All discovered utilities and changes to the approved plans shall be noted with callouts indicating location, depth, and material. As-built drawings shall note all installed water and sewer service locations, as well as sewer cleanout depths. **The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**

### **Erosion Control, Site Preparation, and Grading**

1. The applicant shall submit two copies of erosion control plans to LCPWD. The City Engineer shall review all erosion control plans for compliance, prior to any construction activities. Approved soil erosion control measures must be in place and inspected by LCPWD prior to any construction activities. Additional inspections required as conditions of the below 1200-C stormwater permit shall be applicant's responsibility.
2. The proposed area exceeds one or more acres of land disturbance throughout construction. The applicant is responsible for application for, acquisition of, and compliance with the Oregon Department of Environmental Quality (DEQ) 1200-C stormwater permit.

3. All grading work shall adhere to building code appendix 33, Excavation & Grading, as adopted in LCMC 12.08. This shall include but not be limited to:
  - Compaction procedures for fill >2' shall be submitted as part of the engineered grading plan. Compaction testing shall be completed within the right-of-way, public easements, and slopes impacting the right-of-way per Lincoln City Public Works (LCPW) standards (*modified \proctor testing*). Reports shall be submitted to LCPWD prior to roadway construction and show no less than 90% compaction for subgrade and 95% for aggregate base.
  - Finished slopes shall not exceed 1:2. Where slopes exceed 1:3 and total elevation change >12' terracing shall be designed at mid height (*or 30' intervals*) no less than 6' wide. See LCPW 610 for more detail.
4. Planting and slope stabilization methods and materials shall be noted in the approved grading plan and implemented prior to final approval by LCPWD. Additional planting and slope stabilization measures for grades exceeding 1:3 shall be implemented by the applicant as needed.
5. No filling or grading shall be noted outside of applicant's property right-of-way noted for dedication. All retaining wall construction proposed within or impacting the right-of-way and exceeding 4' in height shall be designed and stamped by a licensed structural engineer. The design engineer shall be additionally contracted for construction inspections of retaining wall design.

#### **Street Improvements**

1. New sidewalk, curb, gutter, and necessary pavement repair shall be constructed, as part of subdivision construction, along all subdivision street frontage in compliance with LCMC 17.52.230. All city right-of-way work planned shall be noted on the approved plan set and performed as shown. Sidewalk shall include improvement across adjacent city-owned open space in accordance with LCMC 16.16.010.C.
2. ADA-compliant transitions shall be installed at all end of walks in compliance with state and federal public right-of-way accessible guidelines.
3. The clear vision triangle, 50'Lx10'W visibility, shall be shown on the submitted final plan set and maintained at all intersections.
4. Required street signage shall be provided and installed by the developer, including: street name signs, stop signs, and "no parking" signs, as well as required striping. With the 28-foot curb-to-curb width, "no parking" signs shall be installed on one designated side of the roadways and as additionally required for fire access and egress.
5. All proposed roadway cuts and repairs per LCPW standards shall be shown on the permit plan set. Areas of existing pavement with more than two service cuts shall be completed in a single asphalt repair, with the existing pavement T-cut, and impacted pavement repaired to full existing depth or 2" minimum depth ground and inlaid.
6. New street names shall be selected in accorded with city requirements and standards.

#### **Storm Sewer**

1. All existing storm sewer utilities shall be accommodated and easements dedicated in accordance with LCPW standards.
2. All new impervious paving shall be treated according to LCPW stormwater design standards. Treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
3. All increase from the existing site's total impervious area shall be detained according to LCPW stormwater design standards: 2-year, 10-year, 25-year 24-hour rain event OR calculations shall be submitted demonstrating dispersion to pre-development flows prior to storm system termination. Applicant shall be responsible for providing evidence of approved, alternative provisions which apply to the site.

4. Calculations for conveyance, infiltration, detention, water quality, and drainage facilities shall be submitted with final plan set and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
5. Each lot shall be provided appropriate stormwater discharge via one of the following, and the applicant shall clearly identify the designated method for each lot:
  - a. Direct frontage for stormwater discharge into an existing drainage way
  - b. A stormwater easement allowing stormwater discharge to an existing drainage way
  - c. Adequate fall to the roadway curb line for conveyance via the roadway or public storm sewer system.
  - d. Piped connection to a public storm sewer system at the platted property line.
6. Rip-Rap Swale Construction or equivalent energy dispersal method shall be designed and installed at all stormwater discharges. Sizing shall be adequate for all design storm events.

### **Sanitary Sewer**

1. All work and materials shall be completed in accordance with LCPW design standards.
2. Cleanouts shall be installed at all property lines per LCPW design standards. This shall include the location and addition of cleanouts to the existing sewer laterals noted at newly-platted properties.
3. Sanitary sewer plans shall be additionally submitted to DEQ for approval. Applicant shall be responsible for adhering to any additional approval conditions from DEQ. After construction, facilities shall be in accordance with LCPW design standards prior to final acceptance.

### **Water Utilities**

1. All connections to the public water system, assemblies, and service line locations shall be designed and completed by the applicant according to LCPW design standards.
2. Applicant shall be responsible for the verification of existing infrastructure and utilities proposed for use/shown on the approved plan set.
3. Material submittals for all public water improvements shall be submitted to LCPWD for review and approval in accordance with LCPW Water Distribution standards.
4. Water meters shall be clustered in pairs at shared property corners whenever possible, in accordance with LCPW design standards
5. Engineering plans shall note the radius on all sections of waterline proposed for deflection. Deflection shall not be used as an alternative to required bends and shall never exceed manufacturer tolerances.
6. Fire hydrants shall be placed within the proposed development according to fire code requirements and shall be shown on the submitted permit plan set.

FINAL ORDER APPROVED THIS 18<sup>th</sup> DAY OF JANUARY, 2022.

DocuSigned by:

*Kim Blackerby*

A051BF00F101462...

Planning Commission Chair

ATTEST DocuSigned by:

*Anne Marie Skinner*

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Anne Marie Skinner

Director









**From:** [Cody Heidt](#)  
**To:** [Andrea Riner](#)  
**Subject:** RE: Request for Comments CUP 2023-02  
**Date:** Thursday, January 4, 2024 2:54:36 PM  
**Attachments:** [image003.png](#)

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Andrea,

Could you please add me to the distribution list.

Here are the comments from North Lincoln Fire and Rescue:

As stated in the conditional use permit and modification of approved plans document under 17.77.120.H.1

d. (page 12) states:

*Street, water, sewer, drainage and drainage pretreatment, storm water detention, and other similar facilities in the area surrounding the development and in the city are or will be adequate to provide for the health, safety and welfare for the development's population densities and the type of development proposed, taking into consideration existing and projected future demands on those facilities.*

e. (page 13) states:

*Street, water, sewer, drainage and drainage pretreatment, storm water detention and other similar facilities proposed to be constructed as part of the development are adequate to provide for the health, safety and welfare for the population densities and the type of development proposed.*

On 12/20/2023 I provided a review for 521-23-000276-SD outlining the revisions that must be made to meet the requirements of the Oregon Fire Code. These requirements are there to provide adequate safety and welfare for the people that will reside on these lots. When the plan is reviewed for CUP 2023-02 it is obvious that the requirements were not addressed. As there lacks adequate components of access.

North Lincoln Fire and Rescue requests that all aspects of the Oregon Fire Code be followed to ensure the safety and welfare of the citizens, community, and the environment.

Thank you,

Cody Heidt  
 Fire Marshal  
 North Lincoln Fire and Rescues District #1  
**Cody Heidt**  
**Fire Marshal/PIO**  
**North Lincoln Fire & Rescue District #1**  
**PO Box 200**  
**Lincoln City, OR 97367**  
**541.996.2233 Office**  
**541.921.9024 Cell**  
**[cheidt@nlfr.org](mailto:cheidt@nlfr.org)**



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**From:** Andrea Riner <[ariner@lincolncity.org](mailto:ariner@lincolncity.org)>

**Sent:** Wednesday, January 3, 2024 12:32 PM

**To:** Andrew Schurter NWN <[andrew.schurter@nwnatural.com](mailto:andrew.schurter@nwnatural.com)>; Brett Estes DLCD <[brett.estes@dlcd.oregon.gov](mailto:brett.estes@dlcd.oregon.gov)>; Colby Drake Grand Ronde <[colby.drake@grandronde.org](mailto:colby.drake@grandronde.org)>; Daniel Wentz <[dwentz@lincolncity.org](mailto:dwentz@lincolncity.org)>; David Harrelson Grand Ronde <[david.harrelson@grandronde.org](mailto:david.harrelson@grandronde.org)>; Department Heads <[Department\\_Heads@lincolncity.org](mailto:Department_Heads@lincolncity.org)>; Derek Wilson ODFW <[derek.r.wilson@odfw.oregon.us](mailto:derek.r.wilson@odfw.oregon.us)>; Devils Lake Water Improvement District <[lake.manager@dlwid.org](mailto:lake.manager@dlwid.org)>; Duane Liner ODOT <[duane.j.liner@odot.state.or.us](mailto:duane.j.liner@odot.state.or.us)>; Dylan Okeefe ODFW <[dylan.j.okeefe@odfw.oregon.gov](mailto:dylan.j.okeefe@odfw.oregon.gov)>; Erin Serra DSL <[erin.serra@dsl.oregon.gov](mailto:erin.serra@dsl.oregon.gov)>; Jevra Brown DSL <[jevra.brown@dsl.oregon.gov](mailto:jevra.brown@dsl.oregon.gov)>; John Spangler ODFW <[john.j.spangler@odfw.oregon.gov](mailto:john.j.spangler@odfw.oregon.gov)>; Joshua Lee PacifiCorp <[joshua.lee@PacifiCorp.com](mailto:joshua.lee@PacifiCorp.com)>; Katharine Mott USACE <[katharine.a.mott2@usace.army.mil](mailto:katharine.a.mott2@usace.army.mil)>; Kim Rogers Grand Ronde <[kim.rogers@grandronde.org](mailto:kim.rogers@grandronde.org)>; Lon French NLSS <[lfrench@northlincolnsanitar.com](mailto:lfrench@northlincolnsanitar.com)>; NLCHM Director <[director.nlchm@gmail.com](mailto:director.nlchm@gmail.com)>; Onno Husing <[ohusing@co.lincoln.or.us](mailto:ohusing@co.lincoln.or.us)>; PamelaL@ctsi.nsn.us; Rob Dahlman <[rdahlman@nlfr.org](mailto:rdahlman@nlfr.org)>; Robert Kentta CTSI <[rkentta@ctsi.nsn.us](mailto:rkentta@ctsi.nsn.us)>; Ryan Parker OPRD <[ryan.parker@opr.oregon.gov](mailto:ryan.parker@opr.oregon.gov)>; Scott Branchfield LC <[sbranchfield@co.lincoln.or.us](mailto:sbranchfield@co.lincoln.or.us)>; Surveys LC <[surveys@co.lincoln.or.us](mailto:surveys@co.lincoln.or.us)>

**Cc:** Richard Townsend <[rtownsend@lincolncity.org](mailto:rtownsend@lincolncity.org)>; Weston Fritz <[wfritz@lincolncity.org](mailto:wfritz@lincolncity.org)>

**Subject:** Request for Comments CUP 2023-02

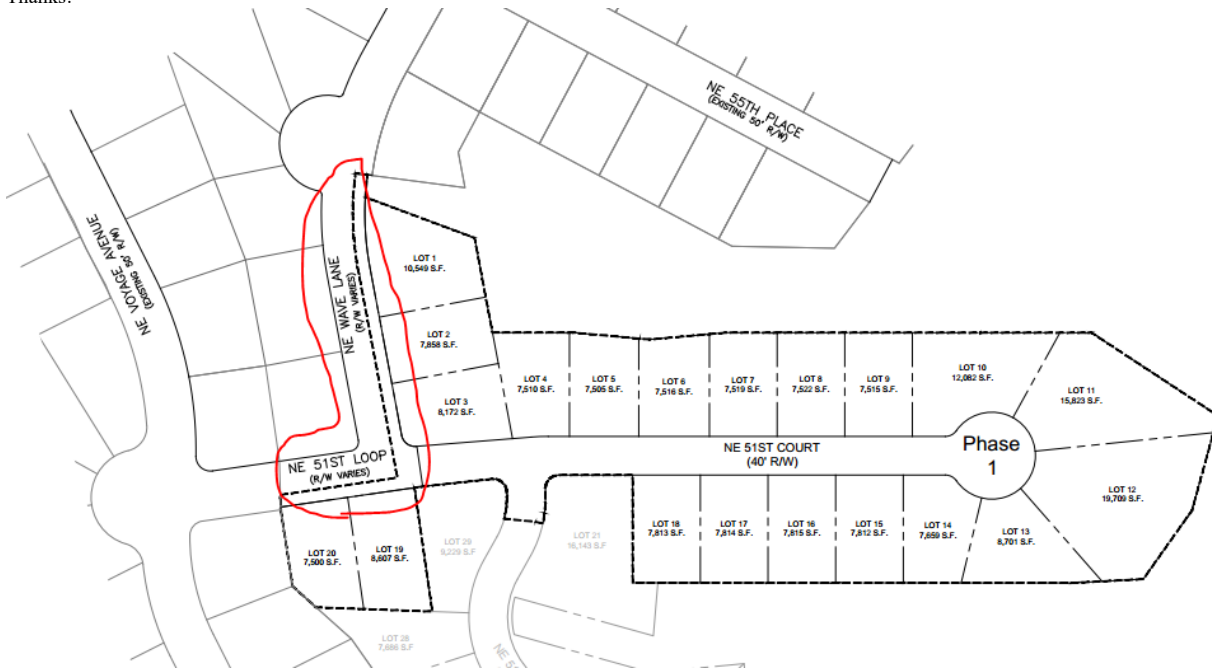
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**From:** [Lon French](#)  
**To:** [Andrea Riner](#)  
**Subject:** RE: Request for Comments CUP 2023-02  
**Date:** Tuesday, January 9, 2024 11:45:16 AM  
**Attachments:** [image002.png](#)  
[image004.png](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Andrea,  
Our only concern is the Right of Way note on the map that says the "R/W Varies". We would just like to be on record that it may get too tight for on street parking on both sides of the street as well as room for us to negotiate a large truck down the street or around a corner if on street parking is allowed.

Thanks!



Lon French  
North Lincoln Sanitary Service  
1726 SE Hwy 101  
Lincoln City, Or 97367  
Office 541-994-5555  
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**From:** Andrea Riner <ariner@lincolncity.org>  
**Sent:** Wednesday, January 3, 2024 3:48 PM  
**To:** Lon French <lfrench@northlincolnsanitary.com>  
**Subject:** FW: Request for Comments CUP 2023-02

Attached is an application package requesting conditional use permit approval of a single unit residential development.

**Please provide comments no later than January 16<sup>th</sup>, 2024.** There is no need to respond if you do not have any comments.

NOTE: We would like to update our email distribution lists. Please provide us with any changes to your/your agencies contact information. Thank you all.



Andrea G. Riner

WRITTEN TESTIMONY IN OPPOSITION  
CUP 2023-02 Lincoln Palisades Phase VI

Submitted by:  
Patrick M. Dunne

January 29, 2024

My objective for the Lincoln City Planning Commission to delay further Lincoln Palisades development until water and traffic concerns are satisfactorily resolved.

I asked Richard Townsend, Interim Director, Lincoln City Planning and Community Development three questions regarding the public hearing.

1. Is there still a no more than 500 foot notification guideline/rule for mailing of Notice of Public Hearing?

Reply: " Regarding notice of hearings, the municipal code, section 17.76.050.E, says we are to send notice of public hearings to "Property owners of record within 500 feet of the perimeter property line of the property or properties subject to the application, using the most recently provided property tax assessment roll of the Lincoln County assessor's office as provided to the city to determine property owners of record." So 500 feet is the current requirement."

In my testimony December 5, 2021 regarding PUD 2021-02 SUB 2021-01, I asked:

" Is 500 feet a suitable notification distance requirement given recent new experience with wind, fire, and water since relevant city code was created? We have seen the far reaching impact of increased population and supporting development. Lincoln Palisades development impacts Roads End traffic. Heavy rain runoff raising the lake level impacts Devils Lake lakefront property owners and folks who kayak over SE 2<sup>nd</sup> Ct water too deep for vehicles. Commissioners should consider updating relevant code..."

I am disappointed as the current requirement remains. The undeveloped surfaces of Lincoln Palisades act as a sponge to control rainwater as roofs, gutters, downspouts, sidewalks, driveways, and paved roads concentrate, rather than disperse, water which will flow eastward toward West Devils Lake Blvd and beyond to the lake. Recent rains spilled a large number of grass carp into the Dee River and Pacific Ocean. Lake water covered NE West Devils Lake Rd near Devils Lake RV Park. West Devils Lake Blvd was flooded near a truck wash near NE 50th St.

2. Was Private Senior Care Homes LLC, P.O. Box 326, Gleneden Beach, OR 97388 notified for their 3005 NE 48th St property or is it beyond the 500 foot criteria?

Reply: "Regarding notice to Private Senior Care Homes LLC for their property at 3005 NE 48<sup>th</sup> Street, on January 2, 2024 we sent notice to the following address, which came from the Lincoln County Assessor's office as required by the code section quoted above:

PRIVATE SENIOR CARE HOMES LLC  
4675 SUSSEX CT  
DEPOE BAY,OR 97341"

As of January 29, 2024 sand bags remain on West Devils Lake Blvd by a sidewalk under development and on the driveway into the property indicating a need for protection from high water.

The 500 feet criteria should be replaced with environmental protection guidance.

3. Is there an eight million dollar plus road project from Roads End to US Hwy 101 on the Planning Department (or other Lincoln City) project list?

Reply: "As of now there is no city road project from Roads End to Highway 101. In the city's Transportation System Plan, prepared in 2015, there is a two-phase road extension from Logan Road up Sal La Sea Drive to NE West Devils Lake Blvd through the Villages at Cascade Head property and then on to Highway 101 through the Lincoln County School District's holly farm property, coming out at East Devils Lake Road. The plan identifies them as projects D27 and D28. The first phase, from Logan Road to NE West Devils Lake Blvd., is shown costing \$8,125,000, and the second, from NE West Devils Lake Blvd to Highway 101, is estimated to cost \$15,150,000. These are in 2014 dollars. Current dollars would be roughly 25% higher. These projects are described as "financially constrained and aspirational." The Transportation System Plan is

here <https://www.lincolncity.org/home/showpublisheddocument/410/637666166893670000> and you can see there what these projects and others are and how they are expected to be funded. As of now there is no funding for these two projects."



On January 29, 2024, I discussed this with former LC Mayor Dick Anderson who reminded me that projects of this nature require partnering. In this case Lincoln City, Urban Renewal, Lincoln County School district, and ODOT could bring this out of "aspirational."

Of note during the Echo Mountain fire evacuation, we had family plans to take our daughter to PDX that morning. As we were loading the car, police drove Voyage announcing "GO!" We turned north at D6 (above) and checked with police at D5, "Tillamook?" "OK" Our departure north was unhampered.

In addition to the need for D27 and D28 for future evacuation, I am hopeful State, County, and City officials are still designing and training on a command post with a single "in charge" official for direction.

My bottom line is Lincoln Palisades needs no new construction or vehicles until D27 and D28 are built as four lanes to be executed as four lanes eastbound in declared emergencies.

For Lincoln City Planning Commissioners, denying CUP 2023-02 without a halt on approved PUD 2021-02 SUB 2021-01 (V and VI) may not stop Alpha Building Ventures, LLC from exacerbating water and evacuation problems.

## WRITTEN TESTIMONY

Submitted by:  
Tim Stoelb

January 26, 2024

This testimony is being submitted in reference to the Lincoln Palisades Phase VI Conditional Use Permit and Modification Application that will be before the commission on February 6, 2024.

After review of this application, I would like to make the following comments:

There are a couple clerical issues that I noticed. Page 2 of the narrative states in the Project Summary that the location of project is at the Intersection of NE 51<sup>st</sup> Place and NE Wave Lane. NE 51<sup>st</sup> Place does not exist. The project should be at the intersection of NE 51<sup>st</sup> Loop and NE Wave Lane. On page 13 in the fifth paragraph the sentence should read “grading associated with NE 51<sup>st</sup> Loop”, not NE 1st Loop.

This proposal states on page 5 that a traffic impact study is not required. As I stated during the initial hearing on Phase 6, more housing brings more traffic. Adding another 29 units in this phase along with those added in Phase 5 WILL increase traffic on Port Lane (a narrow thoroughfare which has no sidewalks for pedestrians) and Logan Road. Residents (and guests) do not drive south on Voyage Avenue to 47<sup>th</sup> St. to Devil’s Lake Rd to Hwy 101 to get into town. The commonsense approach is to take the shortest, quickest route, which is Port Lane. While the statement on page 5 is accurate in that the added units do not meet the specific criteria in LCMC 17.52.300.B, I believe that the increase in traffic volume on Port Lane must be taken into consideration.

Pages 4, 6 and 7 imply that this use permit is required for construction of 51<sup>st</sup> Loop. The accompanying drawings show the new development to be named 51<sup>st</sup> Court. Is it the intention of the developer to make 51<sup>st</sup> Loop part of a subsequent plan? I am very thankful that the developer has taken into consideration the necessity for a second access point in this development area, however, where exactly will 51<sup>st</sup> Loop end and 51<sup>st</sup> Court begin? The drawings are confusing in this respect.

Page 7 housing goals state that this project will provide housing for the citizens of Lincoln City. Does this mean that vacation rentals will not be allowed in the development? Will residents of other cities not be allowed to build a summer home here? A little clarification might be in order.

Page 9 states that with fewer lots there would be less traffic, noise, light and storm runoff. I would disagree with at least part of this statement. The traffic volume, as stated above, is still an issue. The noise level is totally dependent upon the residents occupying these new homes. There is no way to determine whether it will be less noisy. Storm runoff is also an issue. Streets and property pavement are not porous – storm water is going to have to be carried someplace. It appears that the storm drainage will carry the water down to Devil’s Lake Road. There already are high water issues at the intersection of Devil’s Lake Road and 50<sup>th</sup> St (access road to the golf course) when we have steady rain.

Thank you for your consideration.

Tim Stoelb

**Conditional Use Permit and Modification of Approved Master Plan  
Staff Report for Planning Commission Public Hearing on February 6, 2024  
Case File CUP 2023-02**

**Date:** January 30, 2024

**Case File:** CUP 2023-02 Lincoln Palisades Phase VI

**Property Owner:** City of Lincoln City

**Situs Address:** Not addressed

**Location:** East of NE Wave Lane and NE 51<sup>st</sup> Loop

**Tax Map and Lot:** 06-11-35-CD-00100 and 06-11-35-CD-00102

**Comprehensive**

**Plan Designation:** Residential Urban Low Density (RULD) (06-11-35-CD-00102)  
Open Space (OS) Zone (06-11-35-CD-00100)

**Zoning District:** Single-unit Residential (R-1-7.5) (06-11-35-CD-00102)  
Open Space (OS) Zone (06-11-35-CD-00100)

**Site Size:** 7.57 acres (06-11-35-CD-00102)

**Proposal:** Request to (1) approve a conditional use permit for extension of sanitary sewer lines in land zoned Open Space and (2) to revise to an approved planned development master plan.

**Surrounding Land Uses and Zones:**  
North: Single-unit dwellings; R-1-7.5  
South: Single-unit dwellings; R-1-7.5  
East: Undeveloped land; OS  
West: Single-unit dwellings; R-1-7.5

**Authority:** Lincoln City Municipal Code (LCMC) 17.76.020 states that all land use applications and approvals shall be decided by using Type I, II, III, or IV procedures. The procedure types govern the decision-making process for that application. Table 17.76.020-1 in LCMC Chapter 17.76 lists a conditional use permit as a Type III procedure with the Planning Commission as the review authority.

**Procedure:** The application was received on December 22, 2023. The application was deemed complete on December 22, 2023. On January 2, 2024, pursuant to LCMC 17.76.050.E, the Planning and Community Development Department mailed a notice of public hearing to property owners within 250 feet of the subject property. The *News Guard* published the public hearing notice on January 23, 2024.

**Applicable Substantive Criteria:** LCMC Chapter 17.43 Open Space (OS) Zone  
LCMC Section 17.76.050 Type III Procedure  
LCMC Section 17.77.060 Conditional Use Permit  
LCMC Section 17.77.110 Modification of approved applications, plans, or conditions

## **BACKGROUND**

The applicant, Alpha Building Ventures (ABV) is the owner and developer of property approved for development as Lincoln Palisades Phase VI. As a part of ABV's development project they will need to construct a connection to and extension of a sanitary sewer line on adjacent land owned by the City of Lincoln City. That city land is zoned Open Space (OS). In the OS zone public utilities and drainage facilities are conditional uses, so in order to be able to construct the sewer line ABV is required to obtain a conditional use permit.

ABV also proposes to modify the approved development plan for Lincoln Palisades Phase VI. As originally approved, the project was to include 32 lots in a single phase. ABV proposes to reduce the number of lots from 32 to 29 and to break the project into two phases.

Finally, ABV proposes to change how one of the roads in the development, NE 51<sup>st</sup> Loop, is supported where it goes around a gully on city open space property that contains a significant wetland. As originally proposed there were to be two "Ultrablock" retaining walls abutting the city's open space property and a stormwater detention area that was required as a part of Lincoln Palisades Phase II. ABV proposes to replace the retaining walls and the stormwater detention facility with fill on city Open Space property.

The site is undeveloped and has no assigned address. The site does not contain any bluff erosion hazards, aesthetic resources, floodways, or flood hazard areas. It does contain a natural resource overlay in the form of a significant wetland. There is an existing sewer line that runs through the significant wetland, and this project includes a connection to this sewer line.

## **COMMENTS**

The North Lincoln Fire and Rescue District's fire marshal commented that he had provided comments on the original proposal outlining revisions that must be made to the plan to meet the requirements of the Oregon Fire Code. He said these requirements exist to provide adequate safety and welfare for the people that will reside on these lots. He said after review of the present proposal it is obvious that the requirements were not addressed as adequate fire access does not exist. He said North Lincoln Fire and Rescue requests that all aspects of the Oregon Fire Code be followed to ensure the safety and welfare of the citizens, community, and the environment.

The North Lincoln Sanitary Service commented they are concerned about note on the drawing that says the right-of-way width varies. They said they would like to be on record that it may get too tight for on street parking on both sides of the street as well as room for us to negotiate a large truck down the street or around a corner if on street parking is allowed.

The Lincoln City Public Works Department commented as follows:

- The sanitary sewer connection proposed is sufficient, but no landscaping or slope stabilizing measures are noted within the easement area on the landscape plan.
- The slope grading is noted by the applicant as "necessary" within the submitted narrative. This is inaccurate. The road could alternatively be realigned, supported by a bridge structure, or retaining wall as was initially proposed during subdivision application. The fill slope was a proposed by the applicant to reduce construction & maintenance cost. While acceptable from an engineering perspective, the allowable use of the area remains in question and the construction plans are still not approved.
- The applicant's narrative claims that "drainage pretreatment, stormwater detention and other similar facilities" remain adequate with this conditional use proposal. This fails to mention or address the unmitigated removal of the existing storm water quality facilities, currently serving Lincoln Palisades Phase II, and the subsequent proposed construction of a fill slope within this location.

- It is likely that the stormwater drainage area proposed for grading does not have suitable soil conditions to support a roadway bank. If approved, additional geotechnical information on both existing soil conditions and proposed methods of construction would be required before the acceptability of the proposed slope construction can be assessed.
- The applicant states that native vegetation will address both visual and stability question of the area (page 8). No landscaping to support this is comment is noted within this area on the landscape plan. The planting of native trees and ground cover would both be necessary, and should be noted, in order to achieve what is outlined in the narrative.

## ANALYSIS

### 1. Conditional Use (LCMC 17.77.060)

The conditional use application relates solely to the construction of sanitary sewer lines on property owned by the City of Lincoln City and that is zoned Open Space (OS).

*LCMC Chapter 17.43 Open Space (OS) Zone*

*LCMC Section 17.43.030 Conditional Uses*

\* \* \*

*C. Public utilities and drainage facilities.*

**Finding:** The proposed sanitary sewer extension is an extension of an existing public utility on land located in the Open Space (OS) zone. Public utilities are conditional uses in the Open Space (OC) zone. Accordingly, the proposed sanitary sewer extension is a conditional use and requires a conditional use permit.

*Chapter 17.77 Applications*

*17.77.060 Conditional use permit*

\* \* \*

*C. Submittal Requirements.*

1. *Type III application submittal requirements are set forth in LCMC 17.76.050. Specific submittal requirements are provided on application forms and checklists as authorized in LCMC 17.76.110.*
2. *At a minimum, an application for a conditional use shall include the following:*
  - a. *An application form signed by the applicant and every current property owner of record as shown on the most current recorded deed;*
  - b. *Full payment of the application fee, based on the fee schedule in effect on the date of submittal;*
  - c. *Existing conditions plan;*
  - d. *Site plan;*
  - e. *Landscape plan;*
  - f. *Building elevations (for new construction);*
  - g. *Phasing plan (if phasing is proposed);*
  - h. *Traffic impact study pursuant to LCMC 17.52.300; and*
  - i. *Narrative addressing compliance with each criterion and applicable standard.*

**Finding:** The completed and signed application form was submitted, as was the required application fee. The submitted materials also included an existing conditions plan, site/landscape plan, phasing plan, and narrative.

No building plans are required for this proposal, and because none of the triggers of LCMC 17.52.300 are met, a traffic impact study is not required.

*D. Approval Criteria. In order to grant any conditional use, the planning commission must find, based upon evidence, both factual and supportive, provided by the applicant, that:*

*1. The proposal is in compliance with the comprehensive plan;*

**Finding:** The applicants submitted their application on November 28, 2023. At that time the city's new comprehensive plan was not yet in effect, so this application must be judged against the comprehensive plan that was in effect at that time. As detailed earlier in this report, the submitted materials either show compliance or can show compliance with conditions of approval with the applicable portions of LCMC Title 17, which is the zoning code. The zoning code enacts the comprehensive plan, so with compliance with LCMC Title 17 there is compliance with the comprehensive plan.

*Land Use Planning Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** The City Council of Lincoln City adopted the Lincoln City Comprehensive Plan and its implementation measure, the Lincoln City Zoning Ordinance, after public hearing and has reviewed it on a periodic cycle to take into account changing public policies and circumstances. The city provided opportunities for review and comment by citizens and affected governmental units during preparation, review, and revision. Review of the proposed is in accordance with applicable zoning ordinance provisions. Accordingly, the request is in conformance with the planning goal.

*Citizen Involvement Goal: Develop a Citizen Involvement Program (CIP) which ensures the continued participation of citizens in the land use planning process.*

**Finding:** The city has developed a citizen involvement program. In addition, the public hearing process, with notice to the public and review of the request by the Planning Commission (a citizen board) establishes conformance with the citizen involvement goal.

*Public Services and Utilities Goal: To plan and develop a timely, orderly, and efficient arrangement of public facility and services which compliment [sic] the area and serve as a framework for urban and rural development.*

**Finding:** The project involves a minor extension of the existing sanitary sewer system. The city's Public Works Department has provided recommended conditions of approval to ensure compliance with Lincoln City Public Works Design Standards. As presented and with conditions, the project conforms to the public facilities and services goal.

*Urbanization Goal: To promote an orderly and efficient transition of land uses from rural to urban.*

**Finding:** The urbanization goal is not applicable since the site is already within city limits.

*Natural Hazard Goal: The City shall control development in hazardous areas to protect life and property from natural disasters and hazards.*

**Finding:** The natural hazard goal is not applicable to the site since it does not contain any bluff hazard erosion zones, tsunami evacuation zones, or FEMA floodway or flood hazard areas.

Housing Goal: *To provide for the housing needs of all citizens.*

**Finding:** The project is consistent with the housing goal because it will enable development of 29 new houses on land zoned for housing.

Economy Goal: *To support the tourist industry and achieve a degree of diversity in the community which will allow a balanced economy that will, in turn, support an adequate level of services for all members of the area.*

**Finding:** This project is unrelated to the tourist industry. As a minor utility project it will have little direct economic impact. It is proposed in support of a housing project that will require workers so jobs will be provided in that project's development. Accordingly, the sewer project is consistent with the economic goal.

Aesthetic Goal: *To develop a livable and pleasing city which enhances man's activities while protecting the exceptional aesthetic quality of the area.*

**Finding:** The sewer project will have no aesthetic impacts beyond the impacts from vegetation removal, excavation, and grading. Compliance with conditions of approval regarding restoration of the site will serve to mitigate these impact, resulting in compliance with this goal.

Transportation Goal: *To provide a safe, convenient and rapid transportation network to facilitate the movement of goods and people.*

**Finding:** The sewer project is unrelated to the transportation goal.

Energy Goal: *To conserve energy.*

**Finding:** The sewer project is unrelated to the energy goal.

Overall Environmental Goal: *To achieve a balance between the need to provide housing and services and the need to protect and enhance the natural environments of the City.*

**Finding:** The sanitary sewer project will support the development of 29 new housing units. It will require minor and temporary disturbance of city-owner Open Space land. This is a reasonable balance between the need for housing and the need to protect the natural environment. The environmental goal is met.

Shoreland, Beaches, Dunes, Estuary, and Ocean Resources Goal: *To conserve to protect and to enhance the coastal resources of the City.*

**Finding:** The shoreland, beaches, dunes, estuary, and ocean resources is not applicable to this site since the site does not contain shoreland, beaches, dunes, or any estuary.

**Finding:** Criterion 1 is met.

2. *The site for the proposed use is adequate in size and shape to accommodate the use and all required setbacks, common spaces, retaining walls, parking and loading areas, landscaping, and other features required by this title;*

**Finding:** The submitted site plan shows the location of the proposed sanitary sewer line. The amount of land to be used for the sewer line is minor and there are no required setbacks, common spaces, retaining walls, parking and loading areas, or other such other features. If approved, the affected portions of the property will

be required to be re-landscaped. There are no issues of adequate room relating to the proposed sewer line extension.

Criterion 2 is met.

3. *The site for the proposed use relates to streets and highways adequate in width and degree of improvement to handle the quantity and kind of vehicular traffic that would be generated by the proposed use;*

**Finding:** The project consists simply of a sewer line extension and connection. The project by itself will not generate any traffic. There will be no streets or highways affected by the project. The housing development it relates to earlier was determined to have an adequate road system.

Criterion 3 is met.

4. *The proposed use will have minimal adverse impact upon adjoining properties and the improvements thereon. In making this determination, the review authority shall consider, but not be limited to, the proposed location of the improvements on the site, vehicular egress/ingress and internal circulation, pedestrian access, setbacks, height and mass of buildings, retaining walls, fences, landscaping, screening, exterior lighting, and signage;*

**Finding:** The sewer extension's only adverse impact on surrounding properties will come from the visual impact of the disrupted natural vegetation on the site of the excavation for the sewer line. If the site is properly re-vegetated upon completion of the sewer line the impacts will be minor and short-lived.

Conditions of approval addressing re-vegetation of the site will result in criterion 4 being met.

5. *In areas designated as requiring preservation of historic, scenic or cultural attributes, proposed structures will be of a design complementary to the surrounding area.*

**Finding:** The site does not have any historic or cultural attributes, but, as open space, does have scenic attributes. But since the applicant is not proposing to construct any structures as a part of this project, this requirement is not applicable. Criterion 5 is not applicable.

## **2. Modification of Approved Applications, Plans, or Conditions of Approval (LCMC 17.77.110)**

On January 18, 2022 the Planning Commission approved ABV's application for approval of the preliminary master plan and preliminary plat for a 32-lot Planned Unit Development known as Lincoln Palisades Phase VI. ABV now wants to modify the approved plans by reducing the number of lots from 32 to 29 and by breaking the project into two phases.

LCMC 17.77.110.B specifically authorizes modification of planned developments through this modification process. The scope of review of a modification application is limited by LCMC 17.77.110.E to just the matters raised in the modification request. The approval criteria for a modification request are set out in LCMC 17.77.110.F.

*F. Approval Criteria. To approve modification application, the review authority shall make findings of fact, based on evidence provided, that the following criteria are satisfied:*

*1. The location, size, and functional characteristics of the modified development can be made reasonably compatible with, and would have a minimal impact on, properties surrounding the subject site; and*

**Finding:** The proposed modifications (i.e. reducing the number of lots and developing in two phases) do not change the compatibility with or impacts on surrounding properties from Lincoln Palisades Phase VI in any substantially negative way. This criterion is met.

*2. New elements are provided that functionally compensate for any negative effects caused by the requested modification(s). New elements used to compensate for a negative effect shall be of at least equal value to the elements proposed to be changed.*

**Finding:** The requested modifications do not result in any substantially negative effects. Consequently no new elements are needed to compensate for negative effects. This criterion is met.

*3. The criteria in subsections (F)(1) and (F)(2) of this section shall be applied only to the area and/or lots within the development that are affected by the proposed modification.*

**Finding:** The criteria named are applied to the entirety of Lincoln Palisades Phase VI since the requested modifications apply to the full Phase VI. This criterion is met.

*4. The proposed modification shall demonstrate compliance with the approval criteria of the original application.*

The proposed modifications do not change Lincoln Palisades Phase VI in any substantive manner. Two\the proposed modification to reduce the number of lots from 32 to 29 does not change area to be included in Lincoln Palisades Phase VI. All it does is make some minor adjustments to the proposed lot lines. Otherwise everything else remains essentially the same. Similarly, the proposed modification to break Lincoln Palisades Phase VI into two smaller phases does not affect the findings made earlier. The findings made for the approval of the preliminary master plan for Lincoln Palisades Phase VI regarding compliance with the approval criteria of the original application remain true for the proposal as proposed to be modified. Those findings, are set out in Lincoln City Planning Commission Final Order No. 2022-01, which as attached as Exhibit A and incorporated herein. This criterion is met.

### **3. Grading on City Property.**

The applicant mentions, essentially in passing, that, “grading will occur on Lincoln City’s property to support the approved construction of NE 51st Loop.” The property of Lincoln City that the applicant is referring to is zoned Open Space (OS). The applicant has not requested permission to modify the plans for Lincoln Palisades Phase VI in this regard, nor has the applicant sought permission to enter city property to use it for fill to support a road.

### **RECOMMENDATION**

Staff recommends that the Planning Commission hold a public hearing on the proposed conditional use and modification request, take public testimony, close the public hearing, deliberate, and determine whether the request complies with the criteria for granting approval of the request, complies with the criteria with conditions, or doesn’t comply with the criteria.

Should the Planning Commission determine that the request complies with the criteria with conditions, staff suggests the following conditions of approval:

### **General**

1. This approval is limited to (1) approval of a conditional use permit for extension of a sanitary sewer line to serve Lincoln Palisades Phase VI and (2) modification of the preliminary master plan for Lincoln Palisades Phase VI to reduce the number of lots created from 32 to 29 and to divide Lincoln Palisades Phase VI into two phases.
2. Approval of this application does not amount to permission to enter onto land owned by the City of Lincoln City for any purpose other than for extension of a sanitary sewer line as described in the application. In particular, and without limitation, approval of this application does not amount to approval for grading and fill for supporting NE 51<sup>st</sup> Loop
3. The applicant/property owner/developer shall be responsible for full compliance with all applicable city, state, and federal codes, rules, regulations, and standards.

### **Planning and Public Works**

4. All conditions of approval contained in Lincoln City Planning Commission Final Order No. 2022-01 remain in full force and effect.
5. In installing the sanitary sewer line described in the application, the applicant/property owner must limit disturbance of the ground to the minimum practicable. In determining what the minimum practicable disturbance is the applicant/property owner shall consult with and defer to the decision of the Lincoln City Public Works Department, whose decision itself shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.
6. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a grading plan and submit it to the Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.
7. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a slope stabilization plan and submit it to the Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.
8. Before installing the sanitary sewer line described in the application, the applicant/property owner must prepare a revegetation plan and submit it to the Lincoln City Public Works Department for approval. The applicant/property owner shall not begin any land clearing, grading, or excavation for the sanitary sewer line before the Lincoln City Public Works Department has approved the plan, which approval shall be based on consultations with the Lincoln City Planning & Community Development Department and the Lincoln City Parks & Recreation Department.

### **Fire**

1. The project shall meet the current Oregon Fire Code requirements for access and water supply, as reviewed by North Lincoln Fire & Rescue District #1 through the structural permitting process, and structural permits shall not be issued until compliance with the current Oregon Fire Code requirements is shown in the submitted plans.

**LINCOLN CITY  
PLANNING COMMISSION**

**IN THE MATTER OF**

Case File PUD 2021-02 SUB 2021-01 )  
Lincoln Palisades Phase VI ) Final Order No. 2022-01  
Preliminary Master Plan and Preliminary Plat )

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

The Findings of Fact and Conclusions of Law regarding compliance with applicable approval criteria as set forth in the Lincoln City Planning and Community Development Department Staff Reports for PUD 2021-02 SUB 2021-01, together with supporting documents and application materials in the record, said reports being hereby adopted and incorporated into this Order by this reference.

The incorporated staff reports finds that the application meets all applicable approval criteria; therefore, Planning Commission finds and determines that all applicable approval criteria are met.

**FINAL ORDER**

Based on the evidence presented at the public hearing on January 4, 2022, including the staff report, and the supporting application materials contained in Case File PUD 2021-02 SUB 2021-01, the Planning Commission finds and determines that the applications contained in the file DO SATISFY all applicable approval criteria as detailed in the staff report, and the applications are therefore APPROVED with conditions as noted below.

**PLANNING**

1. The project shall be developed in one phase.
2. The final plat for Lincoln Palisades Phase VI shall be submitted to the Lincoln City Planning and Community Development Department within two years following the approval date of the final order by the Planning Commission, and it shall incorporate the conditions of approval.
3. With submittal of the final engineering plans, applicant shall submit a solid waste disposal plan that has been approved by North Lincoln Sanitary Service that allows sufficient accessibility for collection vehicles to service the development.
4. The development shall comply with all applicable fire code requirements.
5. Development of the project shall comply with applicable Oregon Department of State Lands requirements.
6. The development shall comply with all applicable federal, state, county, local, and city rules and regulations, including Lincoln City Municipal Code.
7. A final draft of the proposed restrictions to be recorded for Lincoln Palisades Phase VI shall be included with the final master plan submission package.
8. A final tree maintenance and protection plan shall be included with the final master plan submission package. The final plan shall very clearly depict the location and identification of all six of the site’s existing trees, the removal of the site’s three red alder trees, the removal of Tree 1373, and the protection of Trees 1373 and 5158. In lieu of depicting Trees 1374 and 5158 as protected trees, the applicant shall submit information from the arborist showing to staff’s satisfaction that either or both trees are not healthy and viable and/or that they cannot be sufficiently protected during construction to remain

- viable. The final plan shall also very clearly show the proposed tree protection method for off-site remaining trees and how they will be preserved through construction.
9. The final master plan shall substantially show the lot layout, lot sizes, street layout, and 32 lots shown on the revised preliminary plan set that was submitted on December 17, 2021.

## **ENGINEERING**

### **Engineering Plans**

1. The applicant shall submit legible, digital copies of engineering plans for all public improvements and site development to the Lincoln City Public Works Department (LCPWD) for review and approval. These shall either be approved as submitted or modified in accordance with requirements of the City Engineer. Plans shall be stamped by a licensed professional engineer and shall show all existing and proposed conditions. The applicant is responsible for verifying the presence or absence of existing utilities and infrastructure. The City Engineer's review and any required modifications shall be for assuring that the improvements shall be consistent with Lincoln City Public Works Standards and the provisions of this condition of approval.
2. Prior to commencement of any site work, construction activity, demolition, clearing, grubbing, or excavating, an application for a Public Works Right-of-Way Permit shall be submitted to LCPWD. All planned right-of-way work shall be noted on the final engineering plans for review and performed as shown and approved.
3. The approved plan set and permits shall be kept on the site, at all times, until construction is complete and all final inspections have been passed. Any changes to the approved engineering plans affecting public improvements or utilities shall be submitted to LCPWD for approval prior to construction of altered facilities.
4. In accordance with LCMC 16.08.080, construction inspections and required consultation services shall be provided by the applicant. Reports and testing verifying appropriate construction in accordance with the approved site plan shall be provided to LCPWD as work progresses.
5. **Within 30 days after construction**, field-verified, stamped as-built drawings for all public improvements, including relevant survey data, shall be provided to LCPWD in AutoCAD format. All discovered utilities and changes to the approved plans shall be noted with callouts indicating location, depth, and material. As-built drawings shall note all installed water and sewer service locations, as well as sewer cleanout depths. **The record drawings shall be established in model space using the state plane coordinate system, Oregon North Zone 3601, with horizontal survey control of NAD 83 and vertical control of NAVD 88.**

### **Erosion Control, Site Preparation, and Grading**

1. The applicant shall submit two copies of erosion control plans to LCPWD. The City Engineer shall review all erosion control plans for compliance, prior to any construction activities. Approved soil erosion control measures must be in place and inspected by LCPWD prior to any construction activities. Additional inspections required as conditions of the below 1200-C stormwater permit shall be applicant's responsibility.
2. The proposed area exceeds one or more acres of land disturbance throughout construction. The applicant is responsible for application for, acquisition of, and compliance with the Oregon Department of Environmental Quality (DEQ) 1200-C stormwater permit.

3. All grading work shall adhere to building code appendix 33, Excavation & Grading, as adopted in LCMC 12.08. This shall include but not be limited to:
  - Compaction procedures for fill >2' shall be submitted as part of the engineered grading plan. Compaction testing shall be completed within the right-of-way, public easements, and slopes impacting the right-of-way per Lincoln City Public Works (LCPW) standards (*modified proctor testing*). Reports shall be submitted to LCPWD prior to roadway construction and show no less than 90% compaction for subgrade and 95% for aggregate base.
  - Finished slopes shall not exceed 1:2. Where slopes exceed 1:3 and total elevation change >12' terracing shall be designed at mid height (*or 30' intervals*) no less than 6' wide. See LCPW 610 for more detail.
4. Planting and slope stabilization methods and materials shall be noted in the approved grading plan and implemented prior to final approval by LCPWD. Additional planting and slope stabilization measures for grades exceeding 1:3 shall be implemented by the applicant as needed.
5. No filling or grading shall be noted outside of applicant's property right-of-way noted for dedication. All retaining wall construction proposed within or impacting the right-of-way and exceeding 4' in height shall be designed and stamped by a licensed structural engineer. The design engineer shall be additionally contracted for construction inspections of retaining wall design.

#### **Street Improvements**

1. New sidewalk, curb, gutter, and necessary pavement repair shall be constructed, as part of subdivision construction, along all subdivision street frontage in compliance with LCMC 17.52.230. All city right-of-way work planned shall be noted on the approved plan set and performed as shown. Sidewalk shall include improvement across adjacent city-owned open space in accordance with LCMC 16.16.010.C.
2. ADA-compliant transitions shall be installed at all end of walks in compliance with state and federal public right-of-way accessible guidelines.
3. The clear vision triangle, 50'Lx10'W visibility, shall be shown on the submitted final plan set and maintained at all intersections.
4. Required street signage shall be provided and installed by the developer, including: street name signs, stop signs, and "no parking" signs, as well as required striping. With the 28-foot curb-to-curb width, "no parking" signs shall be installed on one designated side of the roadways and as additionally required for fire access and egress.
5. All proposed roadway cuts and repairs per LCPW standards shall be shown on the permit plan set. Areas of existing pavement with more than two service cuts shall be completed in a single asphalt repair, with the existing pavement T-cut, and impacted pavement repaired to full existing depth or 2" minimum depth ground and inlaid.
6. New street names shall be selected in accorded with city requirements and standards.

#### **Storm Sewer**

1. All existing storm sewer utilities shall be accommodated and easements dedicated in accordance with LCPW standards.
2. All new impervious paving shall be treated according to LCPW stormwater design standards. Treatment shall be sized according to 50% of the 2-year, 24-hour rain event.
3. All increase from the existing site's total impervious area shall be detained according to LCPW stormwater design standards: 2-year, 10-year, 25-year 24-hour rain event OR calculations shall be submitted demonstrating dispersion to pre-development flows prior to storm system termination. Applicant shall be responsible for providing evidence of approved, alternative provisions which apply to the site.

- 4. Calculations for conveyance, infiltration, detention, water quality, and drainage facilities shall be submitted with final plan set and demonstrate that the system is capable of handling the increased flows and/or proposed work on the system will adequately increase system size.
- 5. Each lot shall be provided appropriate stormwater discharge via one of the following, and the applicant shall clearly identify the designated method for each lot:
  - a. Direct frontage for stormwater discharge into an existing drainage way
  - b. A stormwater easement allowing stormwater discharge to an existing drainage way
  - c. Adequate fall to the roadway curb line for conveyance via the roadway or public storm sewer system.
  - d. Piped connection to a public storm sewer system at the platted property line.
- 6. Rip-Rap Swale Construction or equivalent energy dispersal method shall be designed and installed at all stormwater discharges. Sizing shall be adequate for all design storm events.

**Sanitary Sewer**

- 1. All work and materials shall be completed in accordance with LCPW design standards.
- 2. Cleanouts shall be installed at all property lines per LCPW design standards. This shall include the location and addition of cleanouts to the existing sewer laterals noted at newly-platted properties.
- 3. Sanitary sewer plans shall be additionally submitted to DEQ for approval. Applicant shall be responsible for adhering to any additional approval conditions from DEQ. After construction, facilities shall be in accordance with LCPW design standards prior to final acceptance.

**Water Utilities**

- 1. All connections to the public water system, assemblies, and service line locations shall be designed and completed by the applicant according to LCPW design standards.
- 2. Applicant shall be responsible for the verification of existing infrastructure and utilities proposed for use/shown on the approved plan set.
- 3. Material submittals for all public water improvements shall be submitted to LCPWD for review and approval in accordance with LCPW Water Distribution standards.
- 4. Water meters shall be clustered in pairs at shared property corners whenever possible, in accordance with LCPW design standards
- 5. Engineering plans shall note the radius on all sections of waterline proposed for deflection. Deflection shall not be used as an alternative to required bends and shall never exceed manufacturer tolerances.
- 6. Fire hydrants shall be placed within the proposed development according to fire code requirements and shall be shown on the submitted permit plan set.

FINAL ORDER APPROVED THIS 18<sup>th</sup> DAY OF JANUARY, 2022.

\_\_\_\_\_  
Planning Commission Chair

ATTEST:

\_\_\_\_\_  
Anne Marie Skinner  
Director

# ANNUAL REPORT 2023

Case File #	Applicant/Owner	Description	Status	2023	2022
<b>ADMINISTRATIVE ADJUSTMENT (1)</b>				<b>1</b>	<b>None</b>
AA 2023-01	Belhaven LLC	4" encroachment over setback	Approved		
<b>DESIGN STANDARD ADJUSTMENT (2)</b>				<b>2</b>	<b>1</b>
ADJ 2023-01	Open Concept Architecture	straight walls, without recesses or projections on South wall	Approved		
ADJ 2023-02	Livermore Architecture	building articulation standards	Approved		
<b>APPEAL (1)</b>				<b>1</b>	<b>1</b>
APP 2023-01	Randy Trout	Appeal of building height/setback interpretation DI 2022-02	Denied		
<b>COMPREHENSIVE PLAN AMENDMENT/ZONE CHANGE (6)</b>				<b>6</b>	<b>7</b>
CPA ZC 2023-0: City of Lincoln City		Change from R-7.5 to Open Space	Approved		
CPA ZC 2023-0: City of Lincoln City		Change from R-7.5 to Open Space	Approved		
CPA ZC 2023-0: City of Lincoln City		Change from R-7.5 to OPEN SPACE	Approved		
CPA ZC 2023-0: City of Lincoln City		Change from R-7.5 to OPEN SPACE	Approved		
CPA ZC 2023-0: City of Lincoln City		Change from R-7.5 to Open Space	Approved		
CPA ZC 2023-0: Oregon Parks & Rec/City of Lincoln City		Change from R-C to Park	Approved		
<b>CONDITIONAL USE PERMIT (1)</b>				<b>1</b>	<b>4</b>
CUP 2023-01			Withdrawn		
CUP 2023-02	Alpha Building Ventures	Construction of sanitary sewer in Public Open Space and modification of phasing.	Public Hearing 1/16/2024		
<b>DEVELOPMENT REVIEW (3)</b>				<b>3</b>	<b>14</b>
DEV REV 2023-	Coast Vineyard/City	12 Tiny homes	Approved		
DEV REV 2023-	KR Cinemas LLC	Retail building supply warehouse, retail buildings	Approved		
DEV REV 2023-	Dez Development LLC	Residential sixplex	Approved		
<b>DIRECTOR'S INTERPRETATION (2)</b>				<b>2</b>	<b>2</b>
DI 2023-02	Golbuff, Paul and Shirlyn	Meets OAR for water extension	Approved		
DI 2023-01	Janice Scott	Meets OAR for water extension	Approved		

# ANNUAL REPORT 2023

Case File #	Applicant/Owner	Description	Status	2023	2022
<b>FLOOD DEVELOPMENT PERMIT (18)</b>				<b>18</b>	<b>14</b>
FDP 2023-01	City of Lincoln City	Beach access/emergency vehicle ramp	Approved		
FDP 2023-02	City of Lincoln City	Paving existing pathway near beach			
FDP 2023-03	City of Lincoln City	Paving of existing gravel rd	Approved		
FDP 2023-04	Dock of the Bay	Deck and exterior repairs	Approved		
FDP 2023-05	Giselle Green	New SFR	Approved		
FDP-2023-06	Pat Crowley	Change of use, add sprinklers	incomplete		
FDP-2023-07	Nadar Farhat	adding landscaping deck, resting on ground	Approved		
FDP-2023-08	Joshua and Katherine Lee	New Manufactured Home	Approved		
FDP 2023-09	CV the Haven at D river LLC	Structural Shoring	Approved		
FDP 2023-10	Gregory and Lynn Bruce	Adding dormers to living space above garage	Approved		
FDP-2023-11	Scott and Sarah Smith	new accessory shed under 200 sf	Approved		
FDP-2023-12	TL Investments	New roof	Approved		
FDP-2023-13	D Sands Hotel	New Roof	Approved		
FDP-2023-14	1541 SE 51st Farhat	New Roof	Approved		
FDP 2023-15	Scott and Sarah Smith	New NON-residential elevated building 100sf	Approved		
FDP- 2023-16	Sasper INC	Foundation repairs	Approved		
FDP-1023-17	Tree and Sea RV Park	Solar Array (SI)	Approved		
FDP- 2023-18	CV THE JACKSON LLC, ETAL	Siding for dangerous building order	Approved		
<b>EXTENSION (1)</b>				<b>1</b>	<b>2</b>
EXT 2023-01	Picture Book Properties	Type I decision	Approved		
<b>GEOLOGIC HAZARD REPORT (2)</b>				<b>2</b>	<b>6</b>
GEO 2023-01	Charles Herman	Retaining Wall	Approved		
GEO 2023-02	Picture Book Properties	New SFR	Approved		
GEO 2023-03	Anne Merrel and Susan Hiler	Deck addition to existing SFR	Under Review		
<b>MOBILE FOOD UNITS (5)</b>				<b>5</b>	<b>9</b>
MFU 2023-01	Shalene Chavez	Sha Sha's Poke	Approved		
MFU 2023-02	Ulises Jimenez	The Grill 101	Approved		
MFU 2023-03	James Hollard	Rook and Ladder	Approved		
MFU 2023-04	Eduardo Manjarres	La Wawa	Approved		
MFU 2023-05	Debi Rowland	Grub's On	Approved		

# ANNUAL REPORT 2023

Case File #	Applicant/Owner	Description	Status	2023	2022
<b>NONCONFORMING DETERMINATION (2)</b>				<b>2</b>	<b>None</b>
NDR 2023-01	Teresa Caffall	Fence height	Approved		
NDR 2023-02	Raymond Ozyjowski and Connie	Fence height	Approved		
<b>PARTITION (6)</b>				<b>6</b>	<b>5</b>
PAR 2023-01	KR Cinemas LLC	1 into 2	Approved		
PAR 2023-02	Shelli Renee Neal Revocable Trust	1 lot into 3 lots	Approved		
PAR 2023-03	Daniel Kaufmann, Riedesel and Sherry	1 lot into 3 lots	Approved		
PAR 2023-04	Diamond H Properties	1 lot into 2 for attached single family	Approved		
PAR 2023-05	Alpha Building Ventures	2 into 1 as a replat	Approved		
PAR 2023-06	Jean Lundgren	1 into 2	Incomplete		
<b>PROPERTY LINE ADJUSTMENT (8)</b>				<b>8</b>	<b>11</b>
PLA 2023-01	Schooner Creek LLC, Mike Philips		Approved		
PLA 2023-02	Shelli Renee Neal Revocable Trust	07-11-03-DA-01000 & 07-11-03-DA	Approved		
PLA 2023-03	Lincoln Sands Hotel Partners LLC		Approved		
PLA 2023-04	William and Ruth Shields	06-11-34-DD-04400-00 and 06-11-34-DD-04414-00	Approved		
PLA 2023-05	James and Denise Adlard	06-11-27-DA-02200 & 02300	Approved		
PLA2023-06	Dan Thomas	07-11-11-BB-02700 and 02701	Approved		
PLA2023-07	LC Outlets/ Devils Lake Road LLC		Approved		
PLA 2023-08	Sandoval		In review		
<b>SUBDIVISION (1)</b>				<b>1</b>	<b>1</b>
SUB 2022-01_F	Nathan & Angie Knott	NW 40th Preliminary Plat	Approved		

# ANNUAL REPORT 2023

Case File #	Applicant/Owner	Description	Status	2023	2022
<b>ZONING ORDINANCE AMENDMENTS (9)</b>				<b>9</b>	<b>10</b>
ZOA 2023-01	City of Lincoln City	Definitions, consolidate restriction, zone titles and abbreviations, setbacks	Approved		
ZOA 2023-02	City of Lincoln City	Amends provisions for special uses, VRD criteria, and standards to set land use limitation for overnight occupancy	Withdrawn		
ZOA 2023-03	City of Lincoln City	Fix duplication in GC; add 17.17 fence to 17.52	Approved		
ZOA 2023-04	City of Lincoln City	Allow external cooking unit	Approved		
ZOA 2023-05	City of Lincoln City	Remove driving projects from the 2015 Lincoln City TSP	Approved		
ZOA 2023-06	City of Lincoln City	Change VRD to STR, clarify parking, move application process to the application chapter, remove accessory use	Approved		
ZOA 2023-07	City of Lincoln City	Max bldg ht in RR added back	Approved		
ZOA 2023-08	City of Lincoln City	Adding housing legislation from 2023 legislative session	Approved		
ZOA 2023-09	City of Lincoln City	2043 Comp Plan	Approved		
<b>OTHER 2023 LAND USE DATA</b>				<b>2023</b>	<b>2022</b>
Wetland Land Use Notification				7	9
Zoning Verification/Land Use Compatibility				8	14

# ANNUAL REPORT 2023

<b>VACATION RENTALS/SHORT TERM RENTALS</b>	<b>2023</b>	<b>2022</b>
New Accessory Permits	21	13
New Residential Permits	8	14
New Roads End Permits	9	12
Amended Permits	14	11
New Commercial Permits	30	44
<b>TOTAL</b>	<b>82</b>	<b>94</b>

<b>BUILDING PERMITS</b>	<b>2023</b>	<b>2022</b>
Residential Demolition	17	15
Commercial Alarm or Suppression Systems	30	18
Residential Site Development	1	0
Residential Manufactured Dwelling	4	5
Residential Mechanical	227	224
Commercial Structural	106	131
Commercial Mechanical	61	45
Commercial Site Development	1	1
Commercial Demolition	6	6
Residential Structural	130	136
Residential Dwelling Unit Fire Sprinkler	3	1
<b>TOTAL</b>	<b>586</b>	<b>582</b>